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NOTES ON

COMMISSION MEETINGS

March 1982 - December 1982

Royal Commission on the
Ocean Ranger Marine Disaster

Canada



Commission Royale sur le
Désastre Marin de l'*Ocean Ranger*

Newfoundland/Terre-Neuve



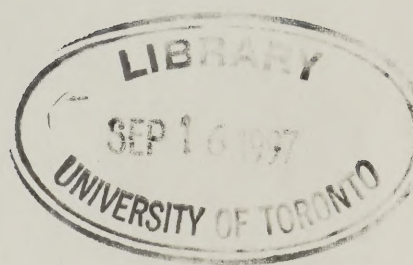
NOTES ON

COMMISSION MEETINGS

March 1982 - December 1982




Quarantine
Station



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NOTES ON COMMISSION MEETING HELD 9:15AM, September 03, 1982, SHERATON PARK
TOWER HOTEL - LONDON:

PRESENT:	Chief Justice T. Alex Hickman	Chairman
	Hon. Gordon A. Winter	Vice President
	Mr. B. Pardy	Commissioner
	Mr. J. Furst	Commissioner
	Mr. F. Aylward, Q.C.	Commissioner
	Dr. M. O. Morgan	Commissioner
	Dr. E. Corlett	Technical Advisor
	Mr. Leonard Martin, Q.C.	Senior Counsel
	Mr. David Orsborn	Counsel
	Ms. Mary Freake	PA to Chairman
	Mr. John Gillingham	Engineer

The Chairman stated the main purpose of the meeting was to hear from Dr. Corlett the results of meetings held the day previous between Norwegian Hydrodynamic Laboratories (NHL), National Research Council of Canada (NRC), Commission Counsel and Dr. Corlett.

Main points:

1. Both tanks are proposing the same size of model; scale 1:50 - NRC are short of some facilities therefore cannot produce the variety of wave spectra as NHL. They have difficulty in testing in water over 300-400 ft.
2. Tests to be carried out cover series 1 and 2 - as suggested in Dr. Corlett's telex dated August 19, 1982.

Series 1: to reproduce the actual accident.

Series 2: 1/3 of these tests are also directly related to the O.R. accident.

2/3 of these tests relate to section 2 of the mandate.
(1/3 NRC and NHL - test in 400 ft. of water with several metacentric heights with chain and wire, and chain anchoring.
1/3 carried out by NHL in 1000 ft. water with wire and chain anchoring).

After considerable discussion the Commission approved the carrying out of tank tests as recommended by Dr. Corlett, namely series 1 and 2 as agreed at the meetings between NHL, NRC and Dr. Corlett.

Mr. Leonard A. Martin, Q.C. informed the meeting that the estimated cost of the work to be performed by NHL is 2,825,000 Nkr. and that institution (NHL) required approval in principle of their proposal and cost, at this time, subject to acceptance of a formal contract being presented by NHL to the Commission at a later date. It was suggested that approval in principle

should be given at this time to enable both NHL and NRC to commence work immediately. The Commission approved, in principle, the proposal of NHL at an estimated cost of 2,825,000 NKr subject to formal contract that is satisfactory and acceptable to the Commission being approved by the Commission at a later date. Mr. Martin was authorized to inform NHL of the Commission's decision.

There being no further business the meeting adjourned at 10:30 AM

NOTES ON COMMISSION MEETING

FRIDAY, AUGUST 13, 1982

Present: Chief Justice T. Alex Hickman, Chairman
Hon. Gordon A. Winter
Fintan J. Aylward
Jan Furst
M. O. Morgan
Bruce Pardy
David M. Grenville, Secretary
M. B. Freake

Regrets: Leonard A. Martin, Counsel
David B. Orsborn, Associate Counsel

1. Notes On Meeting

The notes on the meeting of the Commission held on August 9 were not available and it was agreed that they would be reviewed at the next meeting.

2. Marine and Safety Training Proposal

A proposal, received the previous day from the College of Fisheries, Navigation, Marine Engineering and Electronics, was tabled and reviewed. This proposal was for "A Study And Assessment Of Operational Marine And Safety Training For The Offshore Petroleum Industry And Related Sectors". Mr. Morgan said that this proposal had been prepared following discussions with Dr. Barrett, President of the College of Fisheries and that it envisaged a three-phase approach: The Collection Of Data; Examination And Analysis Of That Data; and Conclusions Leading To Preparation Of The Final Report. The members of the proposed team would be: Dr. C. R. Barrett, Project Director; Captain J. J. Strong, Project Group Leader; Mr. D. Williamson, Petroleum Industry Specialist In Safety Practices and Training; Mr. D. Bazeley, Researcher, Photographer, Recorder and Editor; and Captain S. Hynes, Marine Consultant.

Mr. Grenville noted that the proposed budget of \$390,000 was preliminary and that it would need further refinement to bring into line with the normal basis for government research contracts of this nature. It would also be advisable to provide for review, and if appropriate revision, of the budget at the conclusion of each phase before embarking on the next.

The question was raised as to where Mr. Williamson was based. Concern was expressed that the Commission might find itself paying his travelling cost if he was commuting from Calgary. Subject to an understanding that Mr. Williamson should be based in St. John's, that the provision for travel and other aspects of the budget should be more closely defined and that proper provision was made for controlling the costs of this study, the meeting approved the proposal in principle. It was agreed that a contract would be prepared between the Commission and the College and that meanwhile, so long as the basis for it was clearly understood, the study should get underway in early September as envisaged.

3. Ocean Engineering Information Centre

Mr. Grenville tabled and reviewed a proposal from the Ocean Engineering Information Centre to provide a service agreement to the Commission's Information Centre. The OEIC is part of C-CORE at Memorial University. The service agreement, which would provide the Commission with access to technical consultation and certain valuable information services not available from other sources, covered the period until March 31, 1983 for a total firm price cost of six thousand dollars (\$6,000). The meeting approved this proposal.

4. Commission Logo And Letterhead

The Chairman referred to a letter from Mr. G. W. Smith, Assistant Deputy Minister of Justice of Newfoundland, addressed to the Secretary expressing reservations about the design of the Commission's logo and letterhead. The meeting took note of the views expressed but felt that no further action was required.

5. Arrangements For Visit To Europe

There was a brief discussion of the arrangements for the forthcoming visit to Europe and in particular, of the possibility that a visit might be made to Inverness on the Sunday following the Commission's arrival in Aberdeen. It was noted that Bob Storey would probably be accompanying those Commissioners who would be visiting the Shetlands.

6. Other Business

It was agreed that the next meeting of the Commission would be held on Wednesday, September 8, 1982 following its return from Europe.

There being no other business the Chairman terminated the meeting.

David M. Grenville
Commission Secretary

NOTES ON COMMISSION MEETING

MONDAY, AUGUST 9, 1982

Present: Chief Justice T. Alex Hickman, Chairman
Hon. Gordon A. Winter
Fintan J. Aylward
Jan Furst
M. O. Morgan
Bruce Pardy
David M. Grenville, Secretary
David B. Orsborn, Associate Counsel
M. B. Freake

Regrets: Leonard A. Martin

By Invitation: Dr. Larken Kerwen, President, National Research
Council

Dr. Ross Pottie, Atlantic Regional Director, NRC
Mr. Gordon Cross, NRC - St. John's Office
Mr. David Bailey, NRC - St. John's Office

1. Notes On Meetings

The notes on the meetings held on July 28, August 3 and 4, were noted without comment. Mr. Orsborn reported that the evidence recovered from the rig had been safely delivered to respectively, The Aeronautical Safety Engineering Section of DOT, and to The Canadian Conservation Institute in Ottawa. The Aeronautical Laboratory would advise what tests it proposed to do before undertaking any destructive testing. The documentary material would probably take two or three weeks to dry out. It was agreed that the data on Soundings secured during the diving program would be released to the U. S. Coast Guard, on the understanding that it will be embargoed. Any others who wish to gain access to this data should write to the Commission asking for it.

2. Visit to Rig

The arrangements for a visit to the Sedco 706 the following day were reviewed and noted.

3. Practice and Procedure Rules

The meeting undertook a detailed review of draft number three of the Rules of Practice and Procedure. A number of specific wording changes were agreed and, subject to their adoption, draft number three was approved by the meeting. In the course of this review, there was some discussion of the role of the Chairman in making decisions and also in enunciating decisions of the Commission as a whole. Mr. Winter said that the Chairman needed room for maneuver and that he must be able to make procedural decisions as the need arose during the course of the hearings. However, major decisions should be taken by the Commission as a whole. It was agreed that, for example, decisions on Applications for Standing should be made by the whole Commission.

Mr. Morgan referred to a memorandum that he had written to the Chairman, suggesting that the proceedings of the Commission could be facilitated if Commissioners were to agree to channel any questions they might have of witnesses through the Chairman. As several Commissioners were unable to accept this proposal, it was agreed not to pursue it. The Chairman noted, however, that restraint would be essential if this long and complex hearing were to be conducted efficiently.

At this point the meeting adjourned briefly and was joined by Dr. Larken Kerwen, President of the National Research Council, Dr. Ross Pottie, Atlantic Regional Director, Mr. Gordon Cross and Mr. David Bailey of NRC's St. John's office.

4. National Research Council

The Chairman reviewed the Commission's Terms of Reference and expressed his conviction that NRC would be able to make a valuable contribution in a number of areas. After outlining the approach currently being taken by the Commission and the work that had been done to date, he invited Dr. Kerwen to comment on behalf of NRC.

Dr. Kerwen said that the NRC was the federal government's principal research body, employing some three thousand five hundred people in de-centralized laboratories across the country. The Arctic Vessel and Marine Research Institute currently being built on Memorial University Campus in St. John's, would be a world-class facility. NRC's hydraulic laboratory in Ottawa, was currently completing a three metre deep test-tank. The laboratory specialized in testing equipment subjected to regular waves, aperiodic (statistical) waves and wave-grouping. Actual conditions could be modelled based on wave data.

He said that NRC is a service organization and that it would help the Commission in any way that it could. Based on past experience, NRC's approach would be to form task forces to tackle particular problems, drawing on its various divisions. He noted that NRC will be expanding its in-house research program relevant to the marine field. Work could be undertaken by NRC for the Commission on the basis of reimbursement of operating costs but not any capital costs involved. Specific arrangements would have to be discussed.

Mr. Morgan asked whether the NRC could develop a code for the design and construction of drilling rigs. Dr. Kerwen agreed that it could but said that NRC was not interested in acting as a certifying agency. It was prepared to help develop a model code for the off-shore but only in cooperation with other interested regulatory agencies.

Mr. Morgan expressed the view that a Canadian competence in the off-shore must be developed and that a core of expertise needed to be built up in one place over a period of time. In particular, the environmental parameters effecting off-shore design needed to be much better understood. There was no single focus yet because Canada had not participated in the design of rigs. Dr. Kerwen said that this kind of expertise was beginning to come together in St. John's, however, a coordinating agency was missing. The development of a model code would provide the necessary focus.

Dr. Pottie noted that the building code which NRC had developed, required around three hundred people to maintain it. The AVRMI and NRC's Hydraulics Laboratory would together have a staff complement of around half that number. A code could not be built up on that base alone.

Dr. Kerwen was asked whether NRC undertook any testing of lifeboats, survival gear and other lifesaving equipment. He said that although it did not at present, there was no reason why it should not become involved in doing so in future.

Mr. Pardy noted that the Commission wished to embark on a program of model tests for the Ocean Ranger and hoped that NRC would be prepared to undertake this program. The Commission was also giving consideration to having another facility undertake similar tests. Dr. Kerwen said that NRC could certainly handle a program of this kind and saw no problem with having others undertake similar tests. He noted that scientific data must be reproducible. For this reason, it was important that this should be done and that the same tests be undertaken in different places as well as different tests in the same place.

In conclusion the Chairman emphasized the Commission's wish to make use of all available Canadian expertise and where possible, to enhance the research now being done. He invited the NRC to review the Commission's Terms of Reference and to suggest any areas in which it could undertake work or make a contribution. Dr. Kerwen said that he would be glad to do this and that NRC would respond when it had completed the review process.

The Chairman then thanked Dr. Kerwen and his colleagues for coming to meet the Commission and for the helpful suggestions that had been made. The meeting then adjourned for lunch. Following lunch and the departure of the NRC group, the meeting then resumed.

5. Dr. O. M. Solandt

Mr. Grenville reported that he had, at the Chairman's request, explored with Dr. Solandt the basis on which he would be prepared to provide his services to the Commission. Dr. Solandt had suggested that the Commission might consider entering into an arrangement to retain him for up to twenty (20) days at five hundred dollars (\$500) per day. The meeting approved this arrangement and Mr. Grenville undertook to draft a letter to Dr. Solandt for the Chairman's signature.

6. Observers Status

Mr. Grenville said that the Workers Compensation Board were seeking official observers status at the forthcoming hearings. Their request covered specifically, the provision of appropriate seating and of access to daily transcripts of the hearing. This appeared to be a reasonable request, but as it was the first of its kind, some thought needed to be given to its implications. After some discussion, it was agreed that Messrs. Orsborn and Grenville would study the criteria for observers status and that meanwhile an encouraging verbal response should be given to the Workers Compensation Board.

7. Facilities For Public Hearing

Mr. Grenville reported that, although some uncertainties were still being resolved, all the indications were that St. Mary's offered the most suitable facilities for the Commission's hearings. The St. Andrews Hall was too small and the Hickman Building poorly located and more expensive than St. Mary's. The meeting agreed that Mr. Grenville should proceed to make firm arrangements with St. Mary's for the use of their auditorium and ancillary facilities, on the understanding that the net cost to the Commission would be less than for a similar arrangement with respect to the Hickman Building.

8. Management Information System Proposal

After a brief review of the purposes for the proposed study, the meeting agreed to accept the proposal from the Bureau of Management Consulting to study the Commission's information service requirements and to recommend an appropriate solution to them. It was noted that the cost of the study was not expected to exceed ten thousand dollars (\$10,000) and that it was scheduled for completion by early September.

9. Staff

Mr. Grenville reviewed the Commission's current staff complement and the requirements for further staff that would arise over the next few weeks. He recommended the immediate recruitment of an accounting clerk and library assistant. The meeting approved this recommendation.

10. Dalhousie Study Proposal

The proposal by the Dalhousie Study Ocean Studies Program to undertake a study of offshore regulations for the Commission was reviewed. The meeting approved this proposal at the estimated cost of fifty-four thousand, fifty-five dollars (\$54,055).

11. Other Business

The Chairman noted that it might be necessary to hold another brief meeting of the Commission prior to its departure for Europe on August 13.

There being no other business the Chairman terminated the meeting.

David M. Grenville
Commission Secretary

NOTES ON COMMISSION MEETING

WEDNESDAY, AUGUST 4, 1982

Present: Chief Justice T. Alex Hickman, Chairman
Hon. Gordon A. Winter
Fintan J. Aylward
Jan Furst
Bruce Pardy
David M. Grenville, Secretary
David B. Orsborn, Associate Counsel
Dr. O. M. Solandt
Dr. E. Corlett
M. B. Freake

Regrets: M. O. Morgan
Leonard A. Martin

The Chairman welcomed Dr. Solandt to the meeting and introduced him to the Commission. He went on to review the Commission's Terms of Reference and the initial approach which had been taken to the planning and implementation of a research program. He outlined the kind of advisory role which he hoped Dr. Solandt would consider performing for the Commission, which was concerned to ensure that the right studies were undertaken and that the best people were chosen to do them.

Dr. Solandt then reviewed for the Commission his experience in the field of research and research management. He referred in particular to his association with a number of Newfoundland organizations over the past decade. He said that his particular interest was in operational research and in the interface between men and machines. The Commission was setting out to study a very complex system and it was clear that the failures that had occurred, had, at least in part, been at that interface.

He noted that the Commission would need to acquire a body of "neutral" information in what was potentially an adversarial situation. A very careful sifting of the available information would be necessary. The Commission would not attempt to solve problems but it could identify them. He emphasized the need for a practical approach and also hoped that it might be possible to stimulate some innovative thinking in the area of safety by inviting the space industry to make some suggestions. In this connection, he commented on the approach to design of the space shuttle, Columbia, as against that of the Ocean Ranger.

He also referred to the way in which a partnership had grown in the aeronautical field between industry and the regulatory authority. A very effective approach had been developed for introducing new science into an industry where safety was a very key concern. Built-in redundancy was the standard approach to designing structures in the aeronautical field.

The objective was to arrive at a consensus of the best available technical view. This was most likely to be achieved by means of a panel putting forward the various views at a public meeting rather than by means of the adversary approach. By this means, a meeting of minds among opponents could be achieved.

An important area requiring definition was the design parameters for offshore structures. At present, not enough was known about wave heights, ice accretion, dynamic versus static loading on structures and the behaviour of materials particularly with respect to failure due to fatigue in these conditions.

He said that there was a need for a greater understanding of the theoretical basis of stability of rigs. Aircraft practice was to design for inherent stability. It was important to determine what the system was being designed for. The aircraft industry made extensive use of training in simulated conditions. Perhaps a rig stability simulator could be built in order to train rig and ballast control operators.

It might be useful to undertake some risk analysis. Some thought needed to be given to how safe is safe and similar questions. The perception of risk was always a relevant factor. This needed to be assessed. The actual risk also needed to be identified. The two were not always the same.

In conclusion, Dr. Solandt said that the Commission's report would be a document of world-wide interest. The work that went into it should therefore be at a world standard and the very best experts should be obtained to contribute to it. He said that he would be pleased to serve the Commission in an advisory role and to assist it in any way possible.

In the course of subsequent discussion, Dr. Solandt's view was sought on whether the National Research Council could make a contribution to the Commission's work. His advice was to involve the NRC as much as possible.

He was also asked whether the Commission should undertake model tests at more than one test facility. Dr. Solandt suggested that it would be useful to get more than one set of tests done. If there was a difference in the results this would be constructive rather than otherwise as it could provide the key to the problem.

Mr. Aylward asked Dr. Solandt to provide the Commission with written guidance with respect to the approach it should take to undertaking the research program. Dr. Solandt agreed that he would do this.

At this point, the Chairman adjourned the meeting. When it re-convened after a short intermission, Dr. Corlett joined it.

The Chairman paid tribute to Dr. Corlett's skill in directing the dive and acknowledged the correctness of the Commission's decision to proceed with the diving program. Some general discussion then followed of the further action that needed to be taken to exploit the results of the program.

Mr. Orsborn said that arrangements had been made to forward the material, recovered from the rig, to the aeronautical safety engineering section of DOT and to the Canadian Conservation Institute. Mr. Pardy suggested that the engineers be asked to reconstruct the ballast control panel.

Dr. Corlett said that the unscrewing torque on the deadlight should be tested. The glass in the porthole that had been recovered, undamaged, should also be tested under hydraulic pressure. The books recovered should be photographed page by page by the Conservation Institute.

The Chairman asked whether the rig was finished with so far as the Commission was concerned. The parties of interest would wish to know.

Dr. Corlett said that as ninety-five percent of the useful information available from the rig had already been extracted there was little more to be gained from it. The only significant items that might still be recovered were a ballast pump and valve, and a new diving program would be required to do this. He did not feel that this would be worth doing and there was therefore no technical requirement for any further access to the rig.

If the owners were to move the rig before winter then a quick release by the Commission was advisable. Dr. Corlett said that the ballast control room does not need to be repaired in order to achieve flotation of the rig. All that was required was to unbolt the manholes in the top of the rig's pontoons and then to pump in air through an air manifold.

It was agreed that the Commission's order prohibiting approach to the rig might now be revoked.

There was then some discussion of the model tests that needed to be carried out. Dr. Corlett recommended that the Commission prepare a positive proposal for Trondheim, based on the assumption that they would absorb one third of the costs involved. This would not be unreasonable as they would be able to make use of much of the work done in their subsequent program for testing rigs.

The meeting agreed that two sets of tests would be done: one at the National Research Council and the other at Trondheim. This was on the assumption that a suitable cost agreement could be reached and that Dr. Corlett agreed the technical details.

It was estimated that the NRC tests would cost approximately \$200,000. The Trondheim tests were likely to cost around \$700,000 - \$800,000.

Testing a known disaster on a highly identifiable rig would provide an excellent start for both tanks which are already committed by their governments to become involved in this field of testing. Dr. Corlett said that detailed instructions would be given to both NRC and Trondheim at the end of August, following the Commission's visit there on August 23.

It was agreed that the next meeting would be held at 9:00 a.m. on Monday, August 9 to consider the Rules of Practice and Procedure. The Commission would then be meeting Dr. Kerwen and his colleagues from the National Research Council at 11:00 a.m. This meeting would be followed by lunch.

There being no other business the Chairman terminated the meeting.

David M. Grenville
Secretary

DMG/dl

NOTES ON COMMISSION MEETING

TUESDAY, AUGUST 3, 1982

Present: Chief Justice T. Alex Hickman, Chairman
Hon. Gordon A. Winter
Fintan J. Aylward (part-time)
Jan Furst
Bruce Pardy
David M. Grenville, Secretary
David B. Orsborn, Associate Counsel
Dr. Ewan Corlett, Chief Technical Advisor
M. B. Freake

Regrets: M. O. Morgan
Leonard A. Martin

1. Diving Program

The meeting was convened following the return to St. John's that afternoon of the M.V. Balder Baffin. The Chairman welcomed Dr. Corlett back from the dive and asked him to report to the meeting on it.

Dr. Corlett said that the program had been very successful and that ninety-five percent of all possible targets had been achieved. The material recovered from the ballast control room had been about twice as much as had been hoped for. Over fifty compartments of the rig had been sounded. Great difficulties had been experienced with the pump room and engine room due to the insulation on the internal walls of these compartments. However, the problem had been solved with the use of hammer sounding, relayed to the surface by a microphone. Some difficulties had been experienced with the gamma ray device lent by the U. S. Navy due to leakage of water around the head. This had been solved by applying sealant around the head.

Much more ballast had been found in the rig than had been expected. This was also true of the fuel and water tanks. The indications were that most of the ballast control valves had run away.

A batch of plastic covered drawings had been recovered from the ballast control room, along with the contents of a filing cabinet. The latter included two log books and some loose papers.

Two mimic panels and two side panels had been recovered along with six solenoid banks that controlled the opening and closing of thirty-two tanks. Twenty-four of these solenoids were without the plastic plugs that were normally in place and a considerable number had brass adjusters fitted for manual operation. All of these were in the low number solenoids.

Three portholes had been removed, two with the glass broken and one complete with the unbroken glass. Dr. Corlett mentioned that Hydrospace had specifically asked whether one of these portholes might be given to them in due course once the Commission had finished with it as they would value it as a souvenir of the dive.

Dr. Corlett said that the area surrounding the rig was extensively covered with debris. The deck had been cleaned right off which indicated that this had probably happened before the rig capsized. No sign at all had been seen of bodies and it seemed most unlikely that anyone had stayed aboard following the order to abandon ship. In any event, the deck houses and super structure had either been swept away or crushed into the seabed when the rig went down.

Dr. Corlett said that Hydrospace had done a very good job. They were competent and pleasant to work with but continual pressure had been needed to keep the job moving. Captain Hynes and the ship's crew had also been most competent.

In conclusion, Dr. Corlett noted that the "as built" drawings of the Ocean Ranger were not totally accurate. Considerable delay had been caused by the fact that the sea chest was located at a considerable distance from where the drawings showed it to be. So far as salvage was concerned, Dr. Corlett judged that the rig could be floated and that this would not be affected by the hole cut by the Commission, in order to enter the ballast control room.

After some discussion of Dr. Corlett's report and of its findings, it was agreed that the information to be released to the U. S. Coast Guard was a matter of forensic tactics. This would be left to Counsel and Dr. Corlett. It was noted that the observers on the dive already had fifty percent of the data on the soundings.

It was agreed that the Commission would meet again at 8:30 a.m. the following morning for a discussion with Dr. Solandt.

At 10:30 a.m., Dr. Corlett would join the meeting again to complete his report.

The Chairman then terminated the meeting.

David M. Grenville
Secretary

DMG/dl

NOTES ON COMMISSION MEETING

WEDNESDAY, JULY 28, 1982

Present: Chief Justice T. Alex Hickman, Chairman
Hon. Gordon A. Winter
Fintan J. Aylward
Jan Furst
M. O. Morgan
N. Bruce Pardy
David M. Grenville, Secretary
Leonard A. Martin, Counsel
M. B. Freake

1. Notes On Meeting

The notes on the meeting of the Commission held on July 13 and 21 were noted. Arising from the meeting on July 13, Mr. Pardy expressed some concern about the proposal to invite a group from Dalhousie University to undertake a comparative study on Regulations. This was a sensitive area and he wondered whether it was appropriate to seek advice on this matter from Nova Scotia. The Chairman said that a sound study of World Regulations was needed. In practice, this meant Norway, the United Kingdom and the United States. The President of Dalhousie had nominated Professor Edgar Gold, of the Ocean Studies Group and he had been invited to submit a proposal. The Chairman noted that Dr. Gold was a master mariner with extensive marine experience in Newfoundland, as well as being a law professor.

2. Diving Program

Mr. Martin reported that he had spoken to Mr. Marshall and Mr. Troop, following the Commission meeting on July 28. They had agreed that the Commission should proceed to enter the rig, without Odeco's permission, but Mr. Troop had recommended that Odeco be informed of this intention. Copies of the relevant telexes had been circulated with the papers for the meeting.

Mr. Martin said that Mr. Max Vermij of the Aeronautical Safety Engineering section of the Department of Transport had gone out to the Balder Baffin the previous week-end. He would supervise the preservation of any material recovered from the rig. He was expected back in St. John's later in the day.

The work that had been completed to-date included a survey of the area around the rig and the sounding of its ballast system. No news had yet been received on whether penetration of the ballast control room had yet been effected. It was noted that the special ship-to-shore communications system was no longer working effectively. However, Dr. Corlett had turned down an offer to send out a Marconi technician to repair it.

Mr. Martin reviewed recent discussions with the American Bureau of Shipping. The exchange of telexes with them was noted.

In conclusion, the meeting agreed after some discussion that Odeco's last telex withholding permission to enter the rig required a reply. It was left to Mr. Martin to respond appropriately.

3. Technitrol Proposal

A proposal had now been received from Technitrol, which had been circulated with the papers for the meeting. Mr. Martin recommended that Technitrol be authorized to undertake the testing required. Consideration would be given to whether any further consultation would be needed. This was approved.

4. Public Information

The Chairman said that the CBC wanted to come and see the Commission's offices and to get an update on its activities. Interest had also been expressed in costs. There was an obligation to inform the public and he would therefore be responding to this request.

Discussion then turned to the need for someone on the Commission's staff whose responsibility would be media relations. Mr. Grenville said that when Public Hearings got underway in the fall, it seemed reasonable to expect substantial interest by the media in covering them. This was likely to be at the international as well as the national and local level. It would be important to see that this aspect of the Commission's external relations was handled in a professional manner. He envisaged that the individual who took on this responsibility would also prepare releases and similar material, be present throughout the hearings and in due course, play an important part in writing and editing the Commission's Reports.

The Secretary was authorized to recruit an editor/public information officer.

5. Research Program

The Chairman reviewed progress made to date in planning the Part II Research Program. Proposals had now been invited in respect of studies for marine training, occupational health and regulations. Advice was being sought from General Carr with respect to how best to approach a study on search and rescue.

Mr. Grenville reported that the advertisement for a Research Director had not yet been completed, but that he had discussed it with officials in Privy Council Office when he was in Ottawa, the previous week. Every effort would be made to get this into the papers as soon as possible.

6. Staff

Mr. Grenville reported that Mr. Ray Fallon, who is responsible for finance section in the Department of Public Works, Newfoundland Region, had agreed to join the Commission as Manager, Administration and Finance. Arrangements were now being made to second him to the Commission and he would be starting work on August 16.

Active steps were currently being taken to recruit an Assistant Engineer, who could relieve Commissioners Furst and Pardy of some of the technical tasks that they had been undertaking since the Commission was set up. A candidate for this position had been interviewed who had completed the ship building engineering course at the University as well as the Naval Architecture Diploma course at the College of Fisheries. It was hoped that he would agree to join the Commission's staff. This appointment was approved.

Mr. Grenville also noted for the record that Mr. Dougal Dunbar had been retained on a per diem basis to undertake certain graphics assignments for the Commission, such as the design of its logo. He was also assisting with the planning for the public hearing facilities. This would include the preparation of visual aids.

7. Research Advisor

The meeting considered the memorandum from Mr. Grenville to the Chairman, dated July 27, suggesting that Dr. O. M. Solandt was very well qualified to assist the Commission in the process

of planning and implementing its research program on a sound basis. After some discussion, it was agreed that Dr. Solandt would be invited to visit St. John's the following week, to meet the Commission. It was hoped that it would be convenient for him to meet the Commission at 10:00 a. m. Wednesday, August 4, and Mr. Grenville undertook to arrange this if possible.

8. Visit to Europe

The Chairman said that as both counsel were now going to be away from the office for a significant part of August, while Commissioners were over in Europe, Mr. Grenville had suggested that he should stay in St. John's. It was agreed that this made sense and that Mrs. Freake should go on the European trip in his place.

Mr. Winter expressed regret that the visit to the Shetlands had now been cancelled and said that he would much prefer to go there than to visit a ship yard on the Clyde. It was accordingly agreed that arrangements would be made for some Commissioners to go to the Shetlands, while the others went to Glasgow.

9. Other Business

The Chairman said that the Commission should review the latest draft of the Rules of Practice and Procedure, as they must be put into final form before leaving for Europe. It was hoped that this might be done at a meeting on either Wednesday afternoon or Thursday, August 4/5.

The next meeting of the Commission would be at 10:00 a.m. on Wednesday, August 4. If the Balder Baffin were to return to port during the following week, a special meeting would be convened to receive Dr. Corlett's report.

Mr. Martin said that arrangements had been made to visit the Sedco 706 on August 10. This could be moved to August 9 or 11.

David Grenville
Commission Secretary

DMG/dl

NOTES ON COMMISSION MEETING

WEDNESDAY, JULY 21, 1982

Present: Honourable Gordon A. Winter, Chairman
Fintan J. Aylward
Jan Furst
N. Bruce Pardy
David M. Grenville, Secretary
Leonard A. Martin, Counsel
David B. Orsborn, Associate Counsel
Mary Freake

Regrets: Chief Justice, T. Alex Hickman
M. O. Morgan

1. Notes On Meeting

The notes on the meeting of the Commission held on July 13, were tabled in preliminary draft form. It was agreed that they would be reviewed at the next meeting.

2. Diving Program

At the Chairman's invitation, Mr. Martin reported on the current state of the negotiations with ODECO. The form of the consents received from ODECO to date were unacceptable. He noted that no destructive testing would be permitted by them and that materials could not be sent away to be tested.

In view of the situation, he proposed that the Commission should reach the decision to enter the rig without ODECO's formal consent but that the Government of Canada and Newfoundland should first be informed. He suggested that Admiral Bell should also be told, in confidence, of the situation. Authorization to proceed with entry was required. He also requested authorization to retain local counsel for the Commission should action by ODECO make this advisable. He suggested the name of P. J. Lewis and noted that Chief Justice Hickman agreed with this suggestion.

Mr. Martin said that he had consulted Donald Carr, whose view was that ODECO does have proprietary rights to the rig but that they would have some difficulty in obtaining an injunction against the Commission. The Commission's liability was to pay for the

restoration of the rig to the state required for salvage. In conclusion, Mr. Martin said that there was no certainty that ODECO's permission to enter the rig was necessary. He had presented the worst case.

After discussion, the meeting adopted the following motion: "That the Commission authorizes penetration of the Ocean Ranger in such manner and into such part of the rig as Dr. Corlett deems necessary for the purpose of removing logs, instruments and other materials, required by the Commission in connection with its inquiry, and to retain possession and custody of such equipment and materials until directed otherwise by the Commission." It was specifically noted by the meeting that, in reaching this decision and in providing the foregoing authority to Dr. Corlett, the Commission is aware that this action is being taken without the express permission of ODECO to effect penetration of the rig.

The Chairman suggested that a call to Admiral Bell, advising him of this decision, could wait until Chief Justice Hickman's return to the office, early the following week. Mr. Martin was asked to inform Mr. Troop and Mr. Marshall of the decision that had been taken. The Commission had exhausted the possibilities of getting consent from ODECO and had decided that there was only moderate risk of some reaction from them.

3. Testing Of Life Rafts

Mr. Martin said that, Technitrol in Montreal, was licensed by the Department of National Defence and by the Department of Transport to undertake such testing. The U. S. Coastguard was prepared to accept their results and Mr. Martin accordingly was ready to use this firm for the purpose. He was accordingly seeking authority to retain this firm to do the testing and subsequently, to release the material involved to the U. S. Coastguard. This was approved.

4. Other Business

It was agreed that the next meeting would be held at 10:00 a.m. on Wednesday, July 28. There being no other business the Chairman terminated the meeting.

David M. Grenville
Commission Secretary

DMG/dl

NOTES ON COMMISSION MEETING

TUESDAY, JULY 13, 1982

Present: Chief Justice, T. Alex Hickman, Chairman
Hon. Gordon A. Winter
Fintan J. Aylward
Jan Furst
M. O. Morgan
N. Bruce Pardy
David M. Grenville, Secretary
Leonard A. Martin, Counsel
David B. Orsborn, Associate Counsel

Notes On Meeting

1. The Notes on the meeting of the Commission held on July 8, 1982 were noted without comment.
2. United States Coastguard

Mr. Martin reported that Lieutenant Weir of the U.S. Coastguard had arrived in St. John's to collect the samples of lifesaving equipment which had been promised to Admiral Bell. He had instructions to collect six life jackets, three seat belt assemblies and twenty 14x6 seam samples from two life rafts. Lieutenant Weir had set aside the six life jackets which he wanted and Mr. Martin had undertaken to consider the matter and forward them in due course. He asked Lieutenant Weir to mark out the samples which he required.

Mr. Martin said that he would like to speak first with the witnesses who had retrieved the life rafts before allowing them to be cut up as proposed. He wished also to speak with the Canadian Laboratory once it had been selected which would be carrying out the tests for the Commission on these life rafts, before allowing any samples to be taken from them.

The Chairman stated that the arrangements which he had made with Admiral Bell were, in general terms, as set out in his letter to the Admiral. He had expected to receive some notification before anyone came to St. John's, and some advance warning of the amount and nature of the samples they wished to take. As the Commission had only received this material a few days previously, it had not yet had a chance to examine it. Once this had been done, it could then be released.

3. Diving Program

Mr. Martin then reported that ODECO had given its consent to enter the Rig conditional on:

- a) if a pump was recovered it would then be handed over to ODECO after photographing;
- b) the originals of any logs recovered (or copies of them) would be passed to ODECO once they had been treated for preservation by the Aviation Safety experts;
- c) if the ballast control panel was recovered it would be handed over to ODECO within twenty-four hours and retained in ODECO custody in Newfoundland. There was no objection to the removal of switches from the panel.

Mr. Martin said that ODECO was not prepared to confirm this by telex and that their position in this matter had been conveyed verbally.

Both Mr. Furst and Mr. Pardy agreed that removal of the panel was a major and difficult operation. A hole approximately 7'x16' would have to be cut. Structural plate and underwater welding would be involved. The Commission should think very hard before authorizing this operation.

Mr. Martin suggested that the first step was to cut a 30"x30" hole in the ballast control room so that divers could enter to retrieve logs, switches from the control panel and the like. He noted that there was a twenty-five percent chance of getting information from the instruments on the panel.

Mr. Winter said that the Commission should place no restrictions on Dr. Corlett. The Chairman confirmed that no cost constraints would be applied. It was agreed that the Commission would take the advice of its Counsel and Technical Advisors as to how best to proceed further. It would, however, like to receive confirmation that any action recommended was necessary.

It was agreed that the Chairman would call Admiral Bell regarding the lifesaving equipment samples and ODECO.

4. Commission Plan And Program

Mr. Morgan reviewed the points made in his memorandum of July 5, to Commissioners with respect to work required in connection with Part Two of the Commission's Terms of Reference.

This was much broader than the matters set out in Part One and involved the whole of the Eastern Canadian Offshore. The Chairman confirmed that the original intent of the Federal Government had been to include offshore Nova Scotia. When the Federal and Provincial Commissions had been brought together, he had insisted that the revised Terms of Reference should not be restricted to the Continental Shelf off Newfoundland and Labrador. He noted that the Commission might therefore have to sit in Halifax.

The Chairman suggested that a comparative study of regulations in several jurisdictions was required. A law professor might undertake this study together with someone who understood offshore operations. Mr. Morgan agreed that the subject matter of the regulations is critical and felt that an expert in each field should examine it. It was agreed that the Chairman would check with the President of Dalhousie University to see whether Dalhousie's Ocean Studies Group might be the appropriate people to invite to do such a study.

The Chairman said that, to the best of his knowledge, no one had yet examined the Search and Rescue capability for Eastern Canada as a whole. He noted that a study had been undertaken for the Departments of National Defence and Transport by General Carr prior to his retirement. This report had apparently been shelved. Some discussion ensued and it was agreed that the Chairman would invite him to come and speak with the Commission.

Other areas in which it was agreed studies should be carried out were Occupational Health and Safety and Training. A proposal should be sought from Dr. Max House in Memorial's Faculty of Medicine and a proposal had already been sought from the College of Fisheries, for a study on training.

It was suggested that responsibility for various areas that needed to be studied should be assigned to individual Commissioners. After some discussion it was considered preferable for the Commission Secretary to assume this responsibility. He was authorized to advertise for a Research Director, who would take on the task of recommending what studies were necessary and who should do them. It was also agreed that studies on occupational health, search and rescue and training should get underway as soon as possible.

5. Construction of Model

It was agreed that Mr. Furst, Mr. Pardy and Mr. Grenville, should proceed with the program to have a model designed and built by Wells Engineering. This could be approached in phases due to the uncertainties involved.

6. Visit to Europe

Mr. Grenville was asked to check into the insurance coverage for Commissioners, while travelling outside the country.

7. Public Hearings

It was agreed that an advertisement should be placed in newspapers, across the country, and in the United States, seeking applications for standing to be heard by the Commission. It was also agreed that, the preliminary hearings would probably be held on October 10 - 12.

8. Other Business

It was agreed that the next meeting would be held on July 21. There being no other business, the Chairman terminated the meeting.

David M. Grenville
Commission Secretary

NOTES ON COMMISSION MEETING

ON THURSDAY, JULY 8, 1982

Present: Hon. Gordon A. Winter, Chairman
Fintan J. Aylward
Jan Furst
M. O. Morgan
N. Bruce Pardy
David M. Grenville, Secretary
Leonard A. Martin, Counsel

By Invitation: Dr. E.C.B. Corlett, Chief Technical Advisor

Regrets: Chief Justice, T. Alex Hickman
David B. Orsborn

1. Commission Meeting

The notes of the meeting of the Commission held on June 29, 1982 were noted without comment.

2. Report by Dr. Corlett

The Chairman welcomed Dr. Corlett to the meeting and invited him to bring the Commission up-to-date on all aspects of his investigation. Dr. Corlett then reviewed briefly the plans for the diving program and noted that there were a number of decisions that would have to be made in relation to penetration of the rig. On the assumption that these were positive, certain consumables, which would be required for the purpose, were being loaded on the ship. A meeting had been held with aeronautical engineering specialists of the Department of Transport with respect to the techniques that should be used in bringing up and preserving any instruments that might be recovered from the ballast control room.

Dr. Corlett then tabled and reviewed a "Report on BCP Activities and Considerations Up To June 1982 - Ocean Ranger Disaster". This presented a possible scenario for the sinking of the rig. He said that it was now possible to see a logical, straight-forward sequence of events. This scenario must, however, be checked out by the diving program and by model tests. In view of the sensitivity of Dr. Corlett's

report, the meeting agreed that its distribution should be closely controlled by the Secretary.

Dr. Corlett noted that the "Dyvi Delta" was not permitted to drill in less than four hundred feet for reasons of stability. The Sedco 706 was very much more stable. He suggested that the Commission should seek basic drilling metacentric heights and dimensions for rigs drilling offshore. He also suggested that the Commission should obtain as much technical data as possible on the Sedco 706 and the Zapata Uglund. It was vital to determine what the essential differences were between these two rigs and the Ocean Ranger. They are the control models.

Mr. Morgan raised the question as to whether model testing should be carried out at more than one facility. The raw data provided would be the same for all, but it was a question of verification and interpretation.

Dr. Corlett reviewed the options open to the Commission and the procedure involved in making the selection. He felt that the Commission's technical advisor really should visit all the tanks that had been short-listed. These are in Ottawa, Trondheim, Gothenburg, Wallingford and Wageningen. The selection could either be based on a reasoned comparison between the tanks, the facilities, instrumentation and people at each of them, or it could be based solely on political considerations. All of the tanks were capable of doing the work but Dr. Corlett was reluctant for professional reasons to make the selection without carrying out the comparative study. He also thought that there would be criticism if a proper assessment of the tanks was not seen to have been made. He pointed out nevertheless that the schedule was very tight. Assuming that the diving program was not completed before the end of July, he did not think it likely that the comparative study could be completed and a recommendation submitted before the end of August. It would then take at least two months for the model to be made before the tests could get underway. These would subsequently have to be analyzed and it was probable therefore, that he would not be in a position to reach his own conclusions and to give evidence before the end of January 1983.

In response to a question, Dr. Corlett said that the U. S. Government Tank had been approached but that a 'bureaucratic response' had been received. The delays that would be involved ruled out short-listing this tank. He did not recommend approaching any of the commercial tanks in view of potential conflicts of interest.

Following his visit to Ottawa earlier in the week, Dr. Corlett said that he was satisfied that the National Research Council's enlarged testing facilities would be available on schedule. He noted that the NRC did not have experience in survival testing on semi-submersibles. In his opinion this is not important technically but it may well be important legally and politically. The other four tanks on the short-list had all done extensive survival testing on semi-submersibles. Dr. Corlett noted, however, that NRC had extensive knowledge of Canadian wave conditions and of the phenomenon of wave grouping. NRC also had excellent facilities overall, including aeronautical safety and its wind tunnel.

If the Commission wished to ask the question "Is the NRC capable to undertake the tests?" then Dr. Corlett said that he could safely answer yes. However, if it asked "What is the best tank in which to undertake the tests?" then the answer could only be given following a comparative study.

After some discussion of all these considerations, it was agreed that two sets of tests will be undertaken. The NRC will be authorized to proceed immediately. An assessment will be made of the Trondheim Tank and of the proposed cost sharing arrangement reported by Mr. Furst. Dr. Corlett said that there would be certain advantages in having the Commission working alongside the Norwegian Maritime Directorate. Both tanks should, however, work at arms-length from each other and only communicate through the Commission. It would be essential to maintain total confidentiality.

3. Penetration of Rig

It was agreed that Odeco's permission to penetrate the rig and enter it was required. A specific request for permission to do so would be sought from Odeco as soon as it was certain in specific terms what the Commission wished to do. Dr. Corlett said that before proceeding to attempt entry of the rig he would need to receive from the Commission, a telex formally authorizing him to instruct Hydrospace to proceed.

The purpose of entering the ballast control room would be to remove instruments, logs and wave-recorder buoy records, if they could be found. It was confirmed that Hydrospace had adequate lifting capability for the proposed operation, including removal of the ballast control panel if this were to prove feasible.

In discussing the matters raised in Odeco's telex to Mr. Martin of June 18, 1982, the section was noted that reads as follows:

"With reference to the requests for information concerning the rig, its design, etc., we confirm our discussions with David Orsborn that our client is willing to provide most of the information requested on the condition that its designated representatives are kept apprised of the development of all technical inquiries initiated by the Commission including review of calculations, preliminary reports, etc. as well as observation of model tests or other similar studies." Dr. Corlett said that he was utterly opposed to showing calculations and preliminary reports to Odeco. He was also opposed to giving them the results of any model tests carried out.

Dr. Corlett said that Odeco's request was based on the normal U.S. rules of discovery. He recommended that the Commission specifically reject Odeco's request for this type of information.

Dr. Corlett said that he could see no problem in having Odeco present as observers during both the diving program and the model tests. He also said that he could live with Mr. Martin's reply to Odeco's telex.

Odeco would insist that any damage to the rig caused in the process of gaining entry to it would have to be repaired. This could cover: entry into the control room; removal of part of the ballast control panel; removal of the entire control panel; and removal of a pump. It was agreed that in dealing with Odeco, the Commission should be prepared to offer restoration of the rig to salvageable condition. Dr. Corlett's view was that if Odeco was expecting to receive survey information costing several hundred thousand dollars then the quid pro quo should be permission to penetrate the rig. Mr. Martin said that Odeco wanted to know exactly what the Commission wished to do if it decided to enter the rig. Dr. Corlett said that he would come up with a list in consultation with Max Ruelokke.

It was agreed that there would be a de-briefing meeting with Dr. Corlett following his return from the diving program.

4. Other Business

It was agreed that the next meeting of the Commission would be held at 10:00 a.m. on Tuesday, July 13, 1982, in the Commission's Board Room.

David M. Grenville
Secretary

DMG/d1

ROYAL COMMISSION ON THE "OCEAN RANGER"

MARINE DISASTER

NOTES ON COMMISSION MEETING

ON TUESDAY, JUNE 29, 1982

Present: Chairman
Chief Justice, T. Alex Hickman

Vice-Chairman
Hon. Gordon A. Winter, O.C.

Fintan J. Aylward, Q.C.

Jan Furst, P. Eng.

M. O. Morgan, C.C.

Secretary
David M. Grenville

Regrets: N. Bruce Pardy, P. Eng.
Leonard A. Martin, Q.C.
David B. Orsborn

1. Commission Meeting

The notes of the meeting of the Commission held on June 23, 1982 were noted without comment.

2. Wells Engineering Proposal

The meeting reviewed and approved the revised proposal by Wells Engineering Limited, covering the preparation of drawings and specifications for the proposed model of the pontoon, now estimated to cost \$22,000.

3. Rules Of Procedure

It was agreed to defer consideration of the draft rules of procedure until a Commission Counsel were present.

4. Public Hearings

The meeting discussed the proposal by St. Mary's set out in Mr. Cooper's letter of June 29. The initial reaction was that this approach was a very expensive one. Mr. Grenville

was asked to reassess the options open to the Commission and their relative costs.

There was some discussion of the timing of proposed preliminary hearings tentatively scheduled for August 4 and September 8/9. It was noted that the first day of hearings could provide the Chairman an opportunity for making a preliminary statement describing the Commission's plan and program. The meeting agreed that, if the preliminary hearing was to be public, then all Commissioners must be present for it. Mr. Morgan said that he would be unable to attend a meeting on August 4, but that he would be returning to St. John's on August 8 and could be present on either the 9th or 10th., should a hearing be scheduled for one of those days. It was agreed that further consideration should be given to the timing of the proposed preliminary hearings.

The Chairman said that he would be away from September 11 to 16. In the absence of counsel, it was not possible to establish whether the proposed preliminary hearings were essential or whether they might be re-scheduled to early October. Mr. Grenville said that he understood counsel's work would be simplified by having the hearings in August and September as planned but that they had indicated it was not vital that they should be held then.

5. Ballast Control Panel

It was noted that Dr. Corlett would be meeting representatives of Aviation Safety Engineering in Ottawa on July 7. He would be discussing with them the feasibility of removing the ballast control panel from the rig. Mr. Winter expressed the view that if this could be done at minimal cost, there was nothing to lose by proceeding. Subject to Dr. Corlett's recommendation to proceed, the meeting approved this proposal.

It was noted that observers from COGLA, The Petroleum Directorate, Mobil, Odeco, The U. S. Coast Guard and The American Bureau of Shipping would be invited to be present during the diving program.

6. Publicity

A proposed press release, tabled by Mr. Grenville, was approved for release, substantially in the form of the draft. It was agreed that the presence of media representatives on board the Balder Baffin during diving operations at Hibernia was undesirable and that every effort should be made to avoid their presence there. However, consideration would be given to providing them with some alternative means of observing diving operations.

7. Resource Advisory Panel

At the Chairman's invitation, Mr. Grenville outlined his proposal for the formation of a resource advisory panel. He explained that the concept was to set up a small panel which could advise the Commission on the availability locally of a variety of experts in the marine, engineering, health, safety and training fields. Such a panel could give advice as to the credentials of such experts and also suggest alternative sources of expertise outside the community. The advantages to the Commission of having access to such a panel were, in his view, avoidance of potential embarrassment by picking an inappropriate individual or firm for a particular assignment and the expectation that advice received from such a group would be of more value, where inter-disciplinary problems and studies were involved, than at the advice of separate individuals.

The meeting was unable to agree on the need for such a panel and accordingly further consideration of it was deferred to a subsequent meeting.

8. Plan and Program

The meeting discussed at some length whether the Commission should itself initiate a broad program of studies or whether it should encourage others to undertake such work. One view was that much of the necessary work was currently being undertaken under the direction of counsel and it would not therefore be appropriate for the Commission to initiate separate studies of this kind. It was considered that studies undertaken by others, such as government departments, would in due course be considered during the course of hearings when they would be subject to examination by counsel.

The other view was that the Terms of Reference for the Commission set out in the second section of the original Order in Council called for a variety of studies which it would be wise for the Commission itself to initiate, regardless of whether others were also undertaking studies in these areas. Mr. Morgan suggested that any studies undertaken on behalf of the Commission would be subjected to peer judgement by being referred to referees for examination and comment. This, in his view, was a normal procedure followed by other Royal Commissions. In this way, those matters that were separate from the investigation into the marine loss, could be examined and progress made while the part one investigation was still going on.

It was agreed that the Terms of Reference for the Commission would be reviewed with counsel on their return so that the meeting might understand more clearly the nature of the work that was being undertaken under their direction.

9. Next Meeting

It was agreed that the next meeting of the Commission would take place at 10:00 a.m. Thursday, July 8, in the Boardroom of the Commission's new offices. It was hoped that Dr. Corlett would be available on that day to brief the Commission on the diving program.

It was also agreed that the meeting after that would be held at 10:00 a.m. on Wednesday, July 14. This would be a non-agenda meeting to discuss the plan and program.

The Chairman noted that he would be out of town from June 30th to July 7 or 8 and from July 15 to 23. There being no further business he terminated the meeting.

David M. Grenville
Secretary

DMG/d1

ROYAL COMMISSION
"OCEAN RANGER"
MARINE DISASTER
NOTES ON COMMISSION MEETING
Wednesday, June 23, 1982

PRESENT: Chairman : Chief Justice T. Alex Hickman
Vice Chairman : Hon. Gordon A. Winter, O.C.
: Finton J. Aylward, Q.C.
: Jan Furst, P. Eng
: M.O. Morgan, CC
: N. Bruce Pardy, P. Eng.
Secretary : David M. Grenville
Counsel : Leonard A. Martin, Q.C.
: David B. Orsborn

1. Commission Meeting

The notes of the meeting of the Commission held on June 10 - 1982 were noted without comment.

2. Rules of Procedure

The meeting was advised that a draft of the Rules of Procedure by Commission Counsel would be ready for presentation to the Commission at an early date.

3. Letters from Admiral Bell

The Chairman reported on his recent telephone conversations with Admiral Bell. It now appears unlikely that the U.S. Marine Board of Investigation will be coming to Canada to hold hearings, although it hopes to examine one witness in Alberta. This examination will be done by a member of Admiral Bell's staff who will go to Calgary to take a statement. The Chairman said he has advised the Department of External Affairs that the Commission has no objection to the U.S. Board coming to Canada and a positive response has been given to the Board's request.

A request has been received from Admiral Bell for information from the Diving Program. The Commission would prefer not to have such data made public until it appeared in evidence but there was no objection to sharing it with the U.S. Board if it were to be embargoed until the hearing. He noted that Admiral Bell wanted raw data as well as Dr. Corlett's analysis.

Mr. Winter expressed concern regarding the extent to which such an 'embargo' would provide the Commission with protection. There is a risk that although the data will not be published, public statements or a report by the Board, might be based on it. One other possible point of concern was whether the

Commission might in certain circumstances, be accused of collusion with the U.S. Board. After some discussion the meeting agreed a continued policy of total co-operation is still the best course to pursue. The Chairman said that he could see no possibility of the U.S. Board publishing its report until at least next November.

It was accordingly agreed that the information requested by Admiral Bell will be given to the U.S. Coast Guard provided that: (1) such information will be kept strictly confidential to the U.S. Coast Guard and the National Transportation Safety Board; and (2) no public pronouncement shall be made based on the results of the data until a specific release to do so has been made by the Chairman.

Some further discussion ensued on the question of insuring a reciprocal flow of information from the U.S. Coast Guard. Mr. Martin noted that a good deal of information is being held by the U.S. Coast Guard which had not been released because it had been seized. The meeting agreed that the Commission's best interests lay in full co-operation and free exchange of information with the U.S. Coast Guard. The Commission's position in the U.S.A. is weak when it comes to compelling organizations to provide information or witnesses to appear before it.

The meeting then reviewed Admiral Bell's request for samples of the life-saving equipment which he wished to have tested. Counsel was asked to secure the release of the necessary material by the R.C.M.P. for this purpose.

The meeting agreed that Dr. Corlett's analysis of the data secured from the diving program would not be released to Admiral Bell as soon as it became available to the Commission. This would be introduced as evidence in due course.

It was noted that Dr. Corlett recommended that the control panel should be obtained if at all possible. If it was feasible to do so and if the necessary permission was received to do it, the Commission would enter the Rig for this purpose.

In concluding this part of the discussion, the Chairman again pointed out that the credibility of any report issued by the Commission will be affected if Commissioners are known to have held lengthy discussions with witnesses before they had given their sworn evidence.

3. Information requested by ODECO

Mr. Orsborn summarized the conditions which ODECO had set for providing the Commission with the information which it had requested. These are recorded in the memo of June 16 from Mr. Orsborn to the Chairman which was tabled at the meeting.

Mr. Orsborn said that in his view The Commission and ODECO were not in an adversarial position. Certain information, such as personnel records, was not available from other sources other than ODECO. The Commission had nothing to lose by co-operation with ODECO on the basis proposed and everything to gain. Furthermore, once the hearings got underway, if ODECO were not apprised of the progress of technical studies, there was a risk of lengthy adjournments and delays should new complex technical evidence be introduced without prior warning.

There was a great deal of information that ODECO had that the Commission needed quickly. He said there would be some time before the Commission had much to give ODECO.

With respect to penetration of the hull, Mr. Orsborn said ODECO were prepared to consent to this in respect of bolts and they were prepared to consent to penetration for removal of the control panel subject to reasonable advance notice.

Mr. Morgan said that ODECO's main concern would be to protect its interests. He said in his view, they will try to prevent the Commission from getting any information that may be detrimental to them. He suggested that they are asking for everything and giving very little.

Mr. Aylward accepted the approach and rationale outlined by Mr. Orsborn. He noted however that the language used by ODECO in its letter which included "trespass" seemed to him to be very strong in the circumstances.

After some further discussion during which it was noted that the Commission had a reasonable lead time in which to judge how well ODECO was responding, the meeting agreed to authorize Counsel to co-operate with ODECO, within reason, along the lines set out in ODECO's letter/telex of June 18. It was also agreed that no problem was foreseen in having ODECO present as an observer during any model and tank tests carried out by the Commission.

4. Testing of Safety Apparatus

Mr. Martin said that in the course of his meeting with COGLA, they had suggested they should commission studies on a wide variety of matters concerning safety and then present those studies to the Commission. It has been recommended that all safe apparatus be tested. After discussion it was agreed that COGLA and others should be encouraged to undertake any studies they thought appropriate but it was agreed that the Commission would also proceed with similar studies if the Commission deemed it necessary.

Mr. Martin said that Counsel needed assistance in tracking down people. He suggested that a letter be sent to Mr. Cyril Goodyear, Director of Public Prosecutions asking for assistance from the R.C.M.P. in this regard. It was agreed that if the Province was not prepared to make this kind of investigative assistance available, then the Federal Government would be approached.

5. Public Hearing

Mr. Martin said that Mr. Orsborn and he would be appearing before the Supreme Court of Canada during the week of September 27. The case should be finished by October 4 and he would therefore prefer to have the Commission's hearings start on October 25 rather than on October 18 as previously proposed. This was agreed.

Mr. Grenville reported on available facilities for holding the public hearings. The Great Hall at Queens College would not be available on the basis required by the Commission. Of the other possibilities examined, the Cannon Stirling auditorium at St. Mary's Church at Craigmillar Avenue appears to be the best solution and he accordingly recommended it to the meeting. This was agreed and the

Secretary was authorized to proceed with making the final arrangements in consultation with Mr. Martin.

5. Staff

Mr. Grenville reported briefly on recruitment of staff. An active search for an Administrative Officer is underway in both the Provincial Public Service and the local Federal Public Service. The Chairman's Personal Assistant had started work the previous day. His secretary and an additional secretary to work for the Commissioners would be starting work the following week. The Head of the Information Centre had been appointed and would start work on July 19.

6. Model to Display Ballast System

Mr. Pardy said that it was proposed to build locally a model of the Pontoon for the purpose of displaying how the ballast system worked. It would accordingly not be a 'scale' model. Twenty plans provided by ODECO were available which were sufficient to get started. Wells Engineering had been requested to submit a proposal for the preparation of plans and specifications for the construction of the model. A copy of the proposal was tabled and reviewed. The action taken to date was approved.

7. Budget

The revised preliminary draft budget and memorandum of understanding which had been tabled were noted.

8. Model Tests

Mr. Martin reported that Dr. Corlett had said that in his view the National Research Council was qualified to undertake the model tests. During a visit to NRC the previous week, together with Mr. Furst and Mr. Pardy, the test tank had been inspected. It was noted that the tank was being modified at the moment and that it was expected that the work would be completed by the end of July.

Dr. Corlett would be visiting NRC in Ottawa on July 5 - 7. He would accordingly be in a position to advise the Commission when he arrived here to start the diving program, whether he considered that NRC's facilities were appropriate for the necessary tests.

Mr. Pardy said that it was essential to get Dr. Corlett to St. John's for a longer period than the one day currently allowed prior to the start of the diving program. It was important that the diving plan should be co-ordinated between Dr. Corlett, Mr. Ruloekke and the ODECO representative. He should at the same time present his plan and proposed modus operandi to the Commission.

9. Diving Program

Mr. Grenville reported that the vessel sub-charter and diving contract were both in hand.

10. Next Meeting

It was agreed that the next meeting of the Commission should take place at 10:00am, Tuesday, June 29.

Mr. Morgan asked that an agenda item, at an early meeting, should be Proposed Future Study Areas. The Chairman noted Mr. Furst had prepared a memorandum on this subject.

There being no further business, the Chairman terminated the meeting.

ROYAL COMMISSION ON THE "OCEAN RANGER" MARINE DISASTER

Notes on Commission Meeting

on

Thursday, June 10, 1982

Present:	Chairman:	Chief Justice T. Alex Hickman
	Vice Chairman:	Hon. Gordon A. Winter
	Commissioners:	Fintan J. Aylward, Q.C.
		Jan Furst
		Moses O. Morgan
		Bruce Pardy
	Secretary:	David M. Grenville
	Counsel:	Leonard A. Martin, Q.C.

1. Commission Meetings

The notes of the meetings of the Commission held on May 6, 12, and 25, 1982, were tabled and noted without comment.

2. Reports on Condition of Hibernia J-34 Well

Mr. Martin presented and reviewed, for the meeting, three reports concerning the security of the Hibernia J-34 well. These reports have been submitted to the Commission by, respectively: Canada Oil & Gas Lands Administration (COGLA); Petroleum Directorate; and by Michael Harrington on behalf of Mobil Oil. The Chairman noted COGLA's unequivocal statement, ".... that the possibility of pollution by fluids from the well at this time is nil." Mr. Pardy expressed some concern over the possibility that the anchors of the Nedrill might possibly foul the wreck. However, the risk of this happening was considered negligible.

Mr. Martin reported that he and Mr. Pardy had met Mr. Ary J. Holleman of A.J. Holleman Engineering Ltd. with a view to securing from him a proposal to report to the Commission on the condition of the hole. It had been concluded, however, that Mr. Holleman, although an expert on structures, had no 'down-hole' knowledge. Accordingly, it was appropriate to invite him to submit such a proposal and it was noted that the Commission might well wish to call him as a witness in due course. It is anticipated that either COGLA or the Petroleum Directorate will provide the Commission with a report on the condition of the hole after the work has been completed.

3. Diving Program

Mr. Grenville reported on his meeting with Mr. D. MacLeod, Head Marine Contracts, Department of Supply & Services, Atlantic Region, concerning progress on the chartering of a diving support vessel now on charter to Mobil which will be sub-chartered to the Commission. It had not been possible for Petro Canada to release a vessel for the purpose.

Mr. MacLeod will be reporting on the results of a meeting now in progress with the shipping company and Mobil at which the availability of accomodation on the ship will be determined. The timing of the ship's release to the Commission and the arrangements for installation on the ship of the necessary diving equipment once the vessel had reached St. John's will be determined at the same meeting.

A meeting had taken place between Hydrospace Marine Services and Det Norske Veritas in Halifax to secure approval of the proposed diving equipment installation on the support vessel.

Dr. Corlett had asked for an assistant to be available for the diving program and the Commission had agreed. Mr. Ruelokke was looking for this individual. It was noted that the Commission could veto proposed candidates for this job but only Dr. Corlett could approve the appointment. Mr. Pardy said he was pressing Dr. Corlett to come to Canada as early as possible.

Mr. Pardy reviewed the matters discussed during the course of his visit along with Mr. Furst to Washington and Ottawa on June 6-9. A copy of his memorandum to the Chairman dated June 10 summarizing his report was tabled at the meeting.

The meeting noted that the gamma ray instrument was a unique piece of equipment which contained radioactive material. For that reason it was necessary for the transfer to be between governments and the Canadian Government had to licence it. A diving expert, Mr. Jan Merta of COGLA, will have sole responsibility for it while it is in Canada. The Chairman will have to write a letter to Atomic Energy Canada (AC) and it was agreed that this would go off later in the day.

Mr. Pardy concluded by passing on a request from the U.S. Government that the Commission give its assurance that information on the diving program will be provided to the U.S. The Chairman said that the Commission will give its total cooperation to the U.S. in this regard but that the timing of hand over of data secured from the diving program was still uncertain. This will depend on how long it takes for

Dr. Corlett to analyze the results and on whether this information had first to be introduced as evidence before the Commission.

It was noted that the gamma ray equipment will be used to check any air/water interfaces that had been identified first by the acoustic equipment that will be used in the program. A U.S. Navy technician will accompany the gamma ray instrument while it is in Canada, but it seemed probable that he will stay in St. John's and not go out to the site.

4. Public Hearings

The Chairman said that he would like to open the Commission's public hearing on October 18, 1982. The first round of public hearings could possibly take one hundred sitting days.

Mr. Morgan asked that a list be obtained of all the people who had ever worked on the Ocean Ranger. It was particularly important to identify any who were no longer employed by ODECO or any of the other principal interested parties. Mr. Martin confirmed that he would be obtaining such a list.

It was noted that hearings of the U.S. Marine Board of Investigation now taking place in New Orleans will conclude at the end of the current week. The Chairman said he would prefer not to have any U.S. hearings take place in Canada at all. However, if there was no alternative, then it was preferable that they be held 'in camera'. He hoped that it would be possible to stave off any U.S. hearing or examination of witnesses in Newfoundland until the Commission was able to start its own hearing in the fall. This will avoid the inevitable embarrassment of a prior local U.S. hearing.

Mr. Aylward suggested the Commission might consider spending some time initially at the beginning of the public hearings in the area of safety at sea. This could take some of the pressure off Counsel. Mr. Winter said that the overriding consideration was the public perception of what the Commission was doing.

It was agreed, subject to the schedule of Commission Counsel, that October 18, would be adopted as the target date for commencing the Commission's public hearings.

There was some discussion of the need for preliminary hearings. It was agreed that, if necessary, there would be a one day hearing in early August to approve and recognize the parties of interest. The Chairman suggested it may be necessary to hold a second preliminary

Mr. Grenville said that, subject to the approval of the Commission, the budget would be returned to Ottawa. It would then be reviewed at the official level in St. John's between the Federal and Newfoundland Governments and the Commission to ensure that it was in a form acceptable to Newfoundland. After that it could be formally transmitted from the Federal to the Newfoundland Government.

In discussing the budget, it was emphasized that there must be flexibility to move from one budget category to another and from one year to another within the overall total. So long as this principle was accepted and the budget could continue to be revised as the Commission's plans and program became clearer, then this approach would be acceptable. The Secretary was accordingly authorized to proceed with confirmation of the preliminary outline budget to the Privy Council Office.

7. Other Business

It was agreed that the next meeting of the Commission would be held on Tuesday, June 22, at 10:00 a.m. unless otherwise scheduled.

There being no other business, the Chairman terminated the meeting.

DMG/jmg

ROYAL COMMISSION ON THE "OCEAN RANGER" MARINE DISASTER

Notes of Meeting of Commissioners

of Tuesday May 25th, 1982 1

PRESENT:

Chairman:	Chief Justice Alex Hickman
Vice-Chairman:	Gordon A. Winter
Secretary:	David Grenville
Commissioners:	Fintan J. Aylward Jan Furst Moses Morgan
Counsel:	Leonard A. Martin David B. Orsborn

R.C.M.P. EVIDENCE

Mr. Martin indicated that he had written a further letter to Mr. Cyril Goodyear and that he had now received the list of exhibits and witnesses who had apparently given statements to the R.C.M.P. However, there was some doubt as to whether this list of witnesses represented a photocopy of various crew lists rather than an actual listing of witnesses who had given statements. Mr. Martin was instructed to contact the Minister of Justice for a final decision on whether or not the information would be available and was asked to emphasize that the matter was one of extreme urgency.

MITSUBISHI HEAVY INDUSTRIES

A formal request has now been made to the Department of External Affairs for the Canadian Embassy in Tokyo to contact Mitsubishi and request certain technical information of that company. Commission Counsel have also made contact with Mr. Wylie Spicer, a Halifax solicitor who has received instructions to act for Mitsubishi and will

be meeting with Commission Counsel in the near future.

DIVING PLAN

Mr. Orsborn reported that a vessel was now being made available by Mobil for the month of July and that External Affairs had been requested to proceed with the request to the United States for the gamma ray equipment. He also noted that there was some discussion about the role at the Searle Consortium would play in the diving program, and it was agreed that Dr. Corlett be approached for his recommendation on this matter. Mr. Martin confirmed that he had written ODECO and requested that company's position with respect to salvage and consent to the diving program.

REQUEST OF MOBIL OIL

Mr. Martin tabled a letter to Mobil Oil setting out the conditions laid down by the Commission for removal of the BOP. There has been no formal response from Mobil, but it is understood that the conditions laid down have been accepted by that company. There was some discussion over the selection of a Commission Consultant to accompany the drill ship during the removal, and it was agreed that Mr. Martin would pursue this matter with Dr. Corlett with the view to an early retention of a consultant for this venture.

DYVI DELTA PLANS

It was understood by the Commission that these plans had supposedly been sent some time ago to the Commission, and Mr. Furst was asked to

follow this matter up with the rig owner.

TANK TESTING

Mr. Orsborn reported on the status of Dr. Corlett's preliminary telex to the various testing facilities and indicated that replies were now being received but that some additional technical information was required and had been requested from ODECO. Mitsubishi has been asked whether or not any such tank testing took place during design and construction, but it was not felt that such testing, if any, would have duplicated the climactic conditions involved at the time of the sinking. The Chairman again emphasized the need for this matter to be proceeded with as expeditiously as possible.

MEETING WITH COLLEGE OF FISHERIES REPRESENTATIVE

The Chairman reported on a meeting held with Dr. R. Barrett, President of the College of Fisheries with respect to the safety training of offshore personnel. The College of Fisheries has a Marine Emergency Duties program (MED), which program is a requirement of offshore employment and has also been approved by the Norwegian government. There is some concern that this course, while required, is not properly completed once an individual has actually commenced employment. Dr. Barrett was asked to submit a proposal to the Commission on an examination of Safety and Technical programs available in other jurisdictions and in Canada, and it was hoped that the Commission would be in a position to review such a proposal before its next meeting.

VISIT TO EUROPE - AUGUST

The Chairman indicated that it was his intention that the Commission and some supporting staff visit Finland, Norway and Scotland in late August and early September for the purpose of visiting the Dyvi Delta shipyard, the Helsinki testing tank, training facilities at Trondheim, the Dyvi Delta during drilling, and the safety programs in Aberdeen, together with the Ocean Ranger class rig currently being constructed in Aberdeen. Mr. Furst will be pursuing the details of this travel.

REQUEST FROM ANCHOR FILMS LTD.

Mr. Orsborn informed the Commission that a request had been received from Anchor Films to be permitted to produce a documentary film on the activities of the Commission up to and including the diving program. After some discussion, the Commissioners agreed that they were not prepared to approve such a request and Mr. Orsborn was directed to relay this decision back to the company.

OFFSHORE SAFETY SEMINAR - JUNE 16-17

Mr. Orsborn tabled a brochure of a seminar to be conducted by the continuing engineering education extension service, Memorial University on "Safety Management for Offshore Exploration". The Chairman indicated and it was agreed that any Commissioner who felt it profitable to attend should make necessary arrangements and Mr. Orsborn was asked to ensure that all Commissioners had access to the registration brochure.

HEALTH AND SAFETY SEMINAR

Mr. Morgan indicated that a health and safety seminar with emphasis on offshore health and safety would be conducted by Memorial University at the end of June, and it was agreed that further information should be obtained and circulated on this seminar. In addition, it was agreed that the Chairman would meet with Dr. Max House of Memorial University to ascertain what facilities were currently available in the offshore medicine area.

TECHNICAL ASSISTANCE

It was felt that there was some need for local technical assistance, and it was agreed that Mr. Martin would discuss this problem with Dr. Corlett.

DR. EWAN CORLETT

The letter of appointment which Mr. Martin had been instructed to send to Dr. Corlett was tabled for information, the appointment having earlier been approved.

ADJOURNMENT

ROYAL COMMISSION ON THE "OCEAN RANGER" MARINE DISASTER

Notes of Meeting of Commissioners

of Wednesday May 12th, 1982

PRESENT:

Chairman:	Chief Justice Alex Hickman
Vice-Chairman:	Gordon A. Winter
Commissioners:	Fintan J. Aylward Jan Furst Moses Morgan Bruce Pardy
Counsel:	Leonard A. Martin David B. Orsborn

DIVING PLAN

Mr. Orsborn reviewed the progress to date including the meeting of the Diving Consultative Committee held on May 11, 1982. As expected, the questions of observers and access to information had been brought up at this meeting, and final responses to these queries had been deferred. In addition, the point had been made about the experience of the Hydrospace divers, and it was agreed that before the contract were let, the Hydrospace diving logs should be obtained and that efforts should be made to ensure that one or more of the divers has technical engineering qualifications. The diving plan had been generally accepted by the Diving Consultative Committee.

After further discussion, it was agreed by the Commissioners that the presence of observers would not appear to be objectionable given that appropriate accommodation and safety requirements were available. Counsel was instructed to confirm ODECO's position with respect to consent to the diving operation and whether or not salvage was anticipated.

REQUEST FROM MOBIL OIL

This request was further considered and final agreement was given, subject to a full report being made available to the Commission, a representative of the Commission being on board during the recovery, visual inspection by a Commission diver prior to removal if required, and a full report to the Commission following the removal. It was also agreed that COGLA and the Petroleum Directorate should be encouraged to have observers on site.

PRESENTATION BY MR. PER KLEM

The meeting adjourned for a short period of time to see a film presentation on free fall lifeboats by Mr. Per Klem of the Department of Marine Safety, Ship Research Institute, Trondheim, Norway.

MODEL TESTING

The desirability of arranging a scale model test of the Ocean Ranger was discussed and generally agreed. Counsel was instructed to write to Mitsubishi to enquire whether or not any model tests were conducted during the design and construction phases, and it was also agreed that we should contact Dr. Corlett and request him to send a preliminary telex to facilities which he considered capable of conducting such testing. These telexes were to be preliminary only and were to solicit responses as to availability and capacity rather than firm bids.

VISIT TO ODECO

It was agreed that Mr. Orsborn would attend the majority of the U.S. Coast Guard Inquiry in New Orleans and at the same time would visit the ODECO offices to review and extract desired information. Mr. Furst and Mr. Pardy were to decide between themselves whether or not they felt it necessary that either or both of them should attend the resumption of the U.S. Coast Guard Inquiry.

R.C.M.P. EVIDENCE

Mr. Martin confirmed that he had written Mr. Cyril Goodyear, provincial Dept. of Justice regarding the availability of the transcripts of the R.C.M.P. interviews, and that to date no positive response had been received. However, a list of exhibits presently held by the R.C.M.P. has been forwarded to the Commission. Mr. Martin was instructed to emphasize the urgency of this request.

ADJOURNMENT

ROYAL COMMISSION ON THE "OCEAN RANGER" MARINE DISASTER

Notes of Meeting of Commissioners

of Thursday May 6th, 1982

PRESENT:

Chairman:	Chief Justice Alex Hickman
Commissioners:	Fintan J. Aylward Jan Furst Bruce Pardy Moses Morgan
Counsel:	Leonard A. Martin David B. Orsborn

BUDGET

Mr. Orsborn indicated that Mr. Proulx of Privy Council Office would be visiting St. John's on May 13th and 14th to discuss the details of the budget so that preliminary figures can be compiled for submission to the federal and provincial Treasury Boards.

REQUEST FROM MOBIL

The request from Mobil to have access to the Ocean Ranger site to remove its blowout preventer was again considered and it was the wish of the Commission that if at all possible, it should cooperate with Mobil in this venture. Accordingly, it was agreed that Mobil would be allowed to attend at the site for removal of its equipment provided that any conditions laid down by COGLA and the Petroleum Directorate were followed, and that the Commission receive a report from any government representatives present. It was also felt that the Commission divers should carry out any necessary inspection before the removal started, and that if the Mobil operation should interfere with the diving program of the Commission, then the Mobil activity should cease.

EXECUTIVE SECRETARY

The Chairman reviewed the interview process that had taken place to date and advised the members that it was the joint decision of the Chairman and Vice-Chairman that Mr. David Grenville be retained as Secretary to the Commission. This decision was concurred in by the other Commissioners.

REPORTS OF ACTIVITIES

The Chairman reviewed the activities of the past two weeks involving travel to Boston, Washington, London and Norway, and Mr. Pardy and Mr. Furst tabled a written report containing particular reference to the visit to Dr. Corlett's offices and the Dyvi Delta in Norway.

DIVING PLAN

Mr. Orsborn and Mr. Pardy reported on the proposals received from the three diving companies, and indicated that these proposals had been reviewed and commented on by Dr. Corlett. It was Dr. Corlett's recommendation, concurred in by the Commissioners that Hydrospace's proposal was the best one submitted, and that this proposal should be accepted subject to the execution of a formal Supply and Services contract. This was agreed by all the Commissioners and Mr. Orsborn was instructed to proceed with the necessary steps for implementation of this contract.

With respect to the presence of observers during the diving operation, it was felt that this would be a function of the amount of accommodation available on the vessel and that there may not perhaps be room for everyone who would wish to be present. An initial decision was taken that Dr. Corlett would be consulted regarding the presence of other observers, and Commissioner Morgan specifically noted that he would object to the presence of observers from ODECO and Mobil. Mr. Orsborn was instructed that, should the question of observers be raised at the meeting of the diving consultative committee, no answer should be given pending the receipt of information on the available accommodation.

With respect to the access to information which will be obtained during the diving plan, it was decided that the Commission would first scrutinize any and all information generated, and that only after such scrutiny would a decision be made on how and when and to whom such information would be released.

U.S. COAST GUARD INQUIRY

It was noted that a request had been made by the U.S. Coast Guard to conduct public hearings in Canada, and that the response to this request may have some bearing on the cooperation to be afforded the Commission should it wish to conduct hearings in the United States. It was felt that any U.S. Coast Guard hearings in Canada should be conducted in camera and should not in any event take place before the

public hearings of the Commission. Mr. Martin was instructed to contact Mr. Peter Troop and voice the Commission's concern.

DR. EWAN CORLETT

After some discussion, it was agreed that Dr. Corlett be retained as Chief Technical Advisor to the Commission and Mr. Martin was instructed to prepare an appropriate letter confirming this appointment.

LETTER FROM MR. WILLIAM MARSHALL

The Chairman tabled a letter from Mr. Marshall, with copies to all Commissioners, which letter dealt with the timing of the Commission's activities. The Chairman also tabled a proposed reply to Mr. Marshall commenting on the magnitude of the Commission's mandate and the different nature of the inquiry being carried out in the United States. Some discussion followed, and it was unanimously agreed that the Chairman's response was appropriate.

ADJOURNMENT

PRELIMINARY OUTLINE OF WORK ACTIVITIES

OCEAN RANGER ENQUIRY

MAY 6, 1982

1. Diving operations and evaluation of data.
2. Wave tank study on scaled model.
3. Mock-up of ballast control switching and valve including sounding and alarms.
4. Stability calculations:
 - (a) Static
 - (b) Dynamic
5. Evaluation of design and operation of ballast system:
 - (a) Piping
 - (b) Pumps
 - (c) Sea chest
 - (d) Valves
 - (e) Manifolds
 - (f) Air and sounding pipes
 - (g) Tank discharge
 - (h) Ballast transfer (intentional and unintentional)
 - (i) Transfer of drilling water
 - (j) Oil storage and transfer
6. Study of relationship between owner, designer, builder classification and government agencies.
7. Evaluation of design and construction of deck structures, and shifting of loads, equipment and furnishings.
8. Environmental impacts:
 - (a) Ice
 - (b) Waves
 - (c) Wind
 - (d) Current
 - (e) Temperature
9. Communications:
 - (a) Internal
 - (b) External
10. Mooring Systems:
 - (a) Design criteria
 - 1) winches
 - 2) cable (anchor chain)
 - 3) anchors
 - (b) During deballasting of rig from drilling mode to survival mode.

Cont'd. ...

10. Mooring Systems: (Cont'd.)
 - (c) Anchor tension monitoring.
 - (d) Flooding of chain lockers
 - 1) preventative measures
 - 2) if flooding occurs
 - (e) Communications
 - 1) setting of anchors
 - 2) deballasting of rig
11. Safety:
 - (a) Fire fighting equipment.
 - (b) Fire drills.
 - (c) Marine fire codes.
 - (d) Life saving equipment.
 - 1) life boats
 - 2) rafts
 - 3) survival suits
 - 4) life jackets
 - (e) Signs and markings.
12. Structural Systems:
 - (a) Material specifications
 - 1) super-structure
 - 2) sub-structure
 - (b) Design criteria
 - (c) Shop inspection
 - (d) Field inspection
 - (e) Inspection during operation
13. Electrical Systems:
 - (a) Main power supply.
 - (b) Emergency power supply.
 - (c) Control systems.
14. Training and Staffing:
 - (a) Marine crew.
 - (b) Drilling crew.
 - (c) Organizational chart.
 - (d) Qualifications.
 - (e) Training schools.
 - (f) Retraining.
 - (g) Upgrading.
 - (h) Safety training.
 - (i) Seamanship for drilling crew.
15. Comparative Operating Procedures:
 - (a) Canada
 - (b) United States
 - (c) Norway
 - (d) Britian

ROYAL COMMISSION
INTO THE OCEAN RANGER DISASTER
VISIT TO LONDON AND STAVANGER
APRIL 24 - MAY 1, 1982
PREPARED BY: J. Furst and B. Pardy

PARTICIPANTS - VISIT TO LONDON AND STAVANGER

Mr. T. Alec Hickman

Mr. Jan Furst

Mr. Bruce Pardy

Mr. Leonard Martin

Mr. David Orsborn
(Did not visit Stavanger)

APRIL 26, 1982

VISIT TO DR. E. C. B. CORLETT'S HEADQUARTERS 1

The whole group went to meet Dr. Corlett at his headquarters which is an old country estate at Basingstoke approximately one hour by train southwest of London.

Dr. Corlett was given the diving proposal which he copied for later study and recommendations for the award of the contract.

Some discussion arose from Dr. Corlett's study of ODECO's operations manual for the Ocean Ranger, and Mr. Pardy and Mr. Furst's study of an interview with Mr. Jennings, a long-time control room operator on the Ocean Ranger.

From these different sources, it became evident that the Ocean Ranger was very tender, stability-wise, at certain important drafts, and that pumping out the forward ballast tanks was a difficult operation, which at a certain forward trim became impossible.

It further became evident that the stability of the rig was very, very poor at certain drafts, especially when the rig had a deckload close to its upper limit.

Finally, the possible movements of the rig after having lost stability were discussed.

Since the rig is approximately fifty percent longer than the water depth on the location where it drilled and sank, it must, at one point in time during the capsizing event, have been standing with its bows on the sea floor, with the two aft columns and the aft part of the pontoons out of the water. It is difficult to visualize how this capsize of the over 33,000 ton rig could have taken place. A theoretical calculation of the movements is not feasible with any hope of accurate results, since a combination of wave forces, wind, possible ice build-up, anchor chain forces, ballast movement, and shifting deckload (which eventually fell overboard) is difficult, if not impossible, to model in mathematical terms. It was hence decided that Dr. Corlett should suggest a physical test for a renowned marine test tank with experience in rig motion work and with a wave-maker, which can create any wave spectrum which may occur in the oceans. Dr. Corlett suggested the following test tanks as possible performers of these tests:

- The Danish Tank at Lyngby, Denmark,
- The Tank at British Hovercraft Corporation,
- The Tank in Gothenburg, Sweden,
- The Tank at Vaageningen, Holland,
- The David Taylor Model Basin, and
- The Tank in Trondheim, Norway should also be investigated.

Three to four months were considered as a reasonable time for the tests, the cost in the order of magnitude of 80,000 to 100,000 dollars.

After a survey of Dr. Corlett's facilities, he was left with the diving survey proposal for review to be decided on the following day in London.

APRIL 27, 1982

During a meeting in our hotel in London, the diving survey proposals were discussed between Dr. Corlett, Mr. Pardy and Mr. Furst.

The three proposals all have certain special attractive features. Everything taken into consideration, however, the proposal given by Hydrospace seemed to be the best, and will be considered for acceptance.

A special instrument, developed by British Gas, will be acquired for determination of water level in the tanks.

APRIL 29, 1982

VISIT TO ROSENBERG VERFT

After obtaining permission to visit the yard through Mr. G. Von Der Loppe, Director of Production, we were met at the gate by Captain A. Dahlberg, Dockmaster, who first presented a slide show with information related to yard organization (the yard belongs to The KVAERNER Group, one of the largest industrial groups in Norway) and products. The system for transport of LNG (liquified natural gas) in spheric containers is developed by this yard. Presently its main products are deck sections and modules for production platforms. To produce these structures, the yard had to invest 135 million NOK (Canadian \$ 27 million) in yard expansion and 80 million NOK (Canadian \$ 16 million) in an air conditioning shotblasting and painting plant. At the peak of its activities in the offshore field, Rosenberg Verft employed over 5,000 men. Over 2,000 of these were skilled foreign workers on temporary working permits. Most of these workers were from Finland and other Scandinavian countries.

Presently, the yard is employing about 2,000 workers.

Descriptive pamphlets on yard operations, etc. are available.

APRIL 30, 1982

MEETINGS WITH PROFESSOR TORGEIR MOAN

Professor Moan, who was the technical expert on the Alexander Kielland Commission, agreed to meet our group in Stavanger and join us for the boat-trip to Stord and the first hours of our visit to the Dyvi Delta, since this was the only way we could see him during this short visit to Norway.

He had brought several papers on the subject of rig disasters, which were given to the Commission.

He told that research projects exceeding \$ 20 million (Canadian) in costs were in progress as a result of the Alexander Kielland Report. A list of these projects was also submitted.

He explained that the work for the Commission for him had been a full-time job.

He further stated that the sequence of events which caused the Alexander Kielland to capsize were determined almost immediately after the broken off leg had been landed and examined and that the many survivors had made it possible to determine the details of the disaster. Hence, their Commission was able to issue their report only one year after the disaster.

Professor Moan was most willing to assist our Commission in any way he can.

He will send us information on the new Ship Model Tank in Trondheim so that we can determine if the capsize tests for the Ocean Ranger can be carried out there.

APRIL 30, 1982

VISIT TO DRILL RIG "DYVI DELTA"

After a two hour and forty minute boat-trip from Stavanger, we arrived at Leirvik, Stord at 10:45 a.m. and went aboard the rig which was in for guaranty survey and minor modifications.

We were met by Base Chief Gillmyr, who explained the operation of the rig to us and also discussed the similarities between the Dyvi Delta and the Ocean Ranger.

Of relevance to our inquiry were the following:

- (1) The Ocean Ranger was originally owned jointly by ODECO and the Norwegian ship-owner, Fearnley & Eger, who later went bankrupt. Prior to going bankrupt, Fearnley & Eger were interested in building a sister rig to the Ocean Ranger, with modifications as found desirable during early operations of the "Ranger". Notes were made on deficiencies on the "Ranger" by one of the Norwegian officers on the rig. These notes were kept by ODECO and never given to the Norwegians in spite of several requests and promises to send them.
- (2) When the Dyvi Delta later was ordered in Finland, certain modifications were made, based on memorized

(2) information. A list of these modifications has been sent from Dyvi Skipsrederi to the Commission through proper channels, but not yet received. The most relevant modifications in relation to the Ocean Ranger disaster were:

- Location of ballast control room was changed to an upper deck location, jointly with control of other main machinery on the rig.
- While remotely controlled valves on the Ocean Ranger were operated by air, the Dyvi Delta's valves were hydraulically operated. The Ocean Ranger's system was Japanese of make " ". The Dyvi Delta's system was manufactured by Norsk Hydro.
- Dyvi Delta had a computer for stability calculations in the control room.
- Dyvi Delta had more ballast pumps than the Ocean Ranger.
- When Dyvi Delta was delivered from Finland to Norway, it was found that with a deckload of

- (2) - approximately 2,500 tons, the stability of the rig was very poor (tender). An inclining test was subsequently carried out in Norway and the approved deck load was reduced to 1,200 tons. Thus, the rig was operating from delivery up to May 1982 with a reduced deckload. The operators found that such a reduction resulted in an inefficient operation. The owner, therefore, decided to improve the stability to provide for a deckload of 2,200 tons. Sponsons were welded to the two foremost columns of the Dyvi Delta to increase its waterline area at the critical drafts. This work was carried out during the rig's visit to Stord. We were told that the Ocean Ranger had similar sponsons welded on, but this is now shown on any of the drawings submitted to the Commission. This point must be investigated.
- The anchor winches on the Dyvi Delta were placed a full deck higher than those on the Ocean Ranger. The effect of this was that the centre of gravity of the Dyvi Delta would be lifted in relation to the Ocean Ranger. But the possibility of water intake through

- (2) - the drain pipes leading from the deck to the drain lockers at extreme lists or trims, was reduced on the Dyvi Delta. To further reduce this possibility, the drain pipes were lengthened by one meter upwards above deck during the rig's present visit to Stord.

During a guided tour of the rig, where emphasis was given to the control room, the life-saving equipment, and the pump room, Captain Andersen, who was our guide, explained the education and training requirements for the control room staff. As an example, he mentioned that the head of this group, the Stability Officer, had to have a second mate's or second engineer's ticket, which, in Norway, requires three years seagoing experience and two year's special schooling. To become a Stability Officer, he requires one additional year's schooling in offshore rig operations. It is worthy of note that there were five men qualified to operate as Stability Officers in the Dyvi Delta crew. At any given time, three such qualified men were on board.

In viewing the ballast control panel and the ballast tank sounding gauges, it was explained to us that ballast water had a tendency to leak through the ballast pipes and the manifolds from full tanks to empty or slack tanks, because the butterfly valves in the manifolds did not close watertight at all times.

(In a situation where the opening/closing of the valves takes place in an uncontrolled way, considerable shifting of ballast can take place unintentionally. The ballast would tend to flow to the already lower parts of the pontoons.)

The life boats on board the Dyvi Delta were inspected and their operation was explained as follows:

When the evacuating crew enters the lifeboat through the side hatch from the top deck, each person is seated with his back toward the bow. The boat master is then in charge and has total control of the launching mechanisms. The launching platform is first lowered to an angle of 35° to the horizontal. When released, the boat slides down the ramp and free falls, bow first, into the sea. All hatches are closed and all personnel firmly strapped into their seats.

Each week during boat drills, the crew actually enter the boats, the ramp is lowered, and the boats are suspended from a cable to simulate the free fall condition and to assure that the ramp mechanism is operable. The maximum free fall height is 24 metres (78.5 feet). For greater heights during transit conditions, the boat may be lowered into the water by cable.

ROYAL COMMISSION ON THE "OCEAN RANGER" MARINE DISASTER

Notes of Meeting of Commissioners of Wednesday March 31st, 1982

PRESENT:

Chairman:	Chief Justice Alex Hickman
Vice-Chairman:	Gordon A. Winter
Commissioners:	Fintan J. Aylward Jan Furst Moses Morgan Bruce Pardy
Counsel:	Leonard A. Martin David B. Orsborn

MINUTES

It was agreed that accurate notes of the Commissioners' meetings will be kept.

FINANCIAL ADMINISTRATION

Mr. Orsborn reported on discussions to date with the Federal and Provincial Governments regarding a proposed budget and was instructed by the Commissioners to prepare a six month budget as soon as possible for review by the Commissioners.

DIVING PLAN

Mr. Pardy tabled a proposed call for a Diving Contract and it was agreed that Mr. Orsborn would distribute the proposal to the appropriate companies and would arrange any necessary co-ordination with federal Department of Supply and Services.

It was agreed that the Commission would not solicit a bid from the diving subsidiary of ODECO, but would nevertheless solicit ODECO's co-operation on the Diving Consultative Committee.

DIVING CONSULTATIVE COMMITTEE

The role of this Committee was discussed and it was agreed that it should be advisory only to the Commission and that it would not be appropriate to suggest that the members be requested to share the costs of the dive. The various parties will be written and once each party agrees to be represented, a copy of the Diving Proposal will be provided.

VISIT TO CONSULTANT

It was agreed that the Chairman, Mr. Pardy and Mr. Furst, together with one or both Commission Counsel would visit the facilities of Dr. Corlett and would at that time review in detail the results of the Diving Proposals. It was also planned that the group would make a short visit to Norway to meet with the Chairman of the Kielland Inquiry.

The Chairman indicated that it may be necessary for the entire Commission to visit Scotland and Norway at a later date.

LETTER FROM MOBIL OIL

The Chairman tabled a letter from Mobil seeking permission to secure the wellhead. It was agreed that further information would be sought from Mobil with respect to the urgency of this request, and it

was noted that a part of the terms of reference of the Commission required it to examine the wellhead and that such examination would need to be carried out prior to any removal of the blow-out preventer.

TRAVELLING ADVANCES

It was agreed that the Commission request a per diem non-accountable travelling allowance of \$150.00 per day for travel in Canada and Mr. Orsborn was instructed to relay this request to the Privy Council.

EXECUTIVE SECRETARY

It was agreed that Mr. Orsborn would review the applications received and develop a short list of the best applicants and that the Chairman and Vice-Chairman would interview these applicants with authority to make a selection on behalf of the Commission.

ROLE OF CHAIRMAN

The draft resolution respecting the powers of the Chairman was again considered and upon motion it was agreed, Mr. Aylward dissenting, that the resolution be adopted as drafted with the deletion of paragraph (a).

ADJOURNMENT

There being no further business the meeting adjourned.

ROYAL COMMISSION ON THE OCEAN RANGER MARINE DISASTER

Minutes of Meeting of Commissioners

of Thursday March 25th, 1982

PRESENT:

Chairman:	Chief Justice Alex Hickman
Commissioners:	Fintan J. Aylward Jan Furst Moses Morgan Bruce Pardy
Counsel:	Leonard A. Martin David B. Orsborn
Consultant:	Dr. Ewan Corlett

Resolution of March 18th, 1982 Concerning Powers of Chairman

Mr. Martin tabled for consideration a draft resolution pursuant to the direction to Counsel to prepare an omnibus resolution to give as much flexibility as possible to the Chairman and appropriate staff in the operation of the Commission. A copy of the draft resolution is attached to these Minutes.

It was moved by Dr. Morgan and seconded by Mr. Pardy that the resolution as tabled be accepted, and discussion on motion then followed. Mr. Aylward inquired as to whether such resolution was necessary. Mr. Aylward did not anticipate that the matters outlined in the resolution would become the subject of any dispute among the Commissioners.

The Chairman indicated that he was prepared to hold this matter in abeyance until the next meeting of the Commissioners, but expressed the view that such authority should be provided to ensure the harmonious and efficient working of the Commission.

It was agreed that discussion on the draft Practices and Procedures of the Commission be deferred until the next meeting of the Commissioners.

Financial Administration of the Commission

The Chairman read to the Commissioners letters which had been written to the Prime Minister of Canada and to the Minister of Justice for Newfoundland, and a reply received from the Attorney-General for Newfoundland. This correspondence dealt with the budgeting for the Commission and whether or not a suitable mechanism could be worked out whereby separate systems of financial administration could be avoided. There was a discussion regarding the potential problems of dual administration and the independence of the Commission, and Mr. Orsborn was directed to meet with Mr. Gerry Smith of the Provincial Department of Justice and to discuss the potential problems and report back to the Commission.

Diving Plan

Mr. Pardy and Mr. Furst tabled a suggested outline of a diving plan together with a proposed schedule for the timing of the various matters involved. Mr. Pardy indicated that the plan had been discussed with the Newfoundland Petroleum Directorate and with the diving experts of the Federal Government, and that it was hoped that a diving operation could be commenced by May 15th, 1982.

During the discussion, it was noted that the Ocean Ranger's sister rig, the Dyvie Delta would be in port in Norway during April.

Mr. Pardy identified three companies which both Governments had indicated would be acceptable to them in the carrying out of any diving plan - Hydrospace Marine Services, Can-dive and K-D Marine. There was some discussion concerning the independence of Hydrospace, given its involvement with the Ocean Ranger, and it was agreed that any proposal call would include a request for information on any work done on the Ocean Ranger.

Mr. Pardy tabled drawings provided by Mobil of the position of the Ocean Ranger on the ocean floor together with forward and starboard elevations of the general arrangements of the rig.

Mr. Pardy pointed out that before any part of the rig were touched, it would be necessary to get as much information as possible by visual means and record it, and accordingly it was recommending a detailed exterior systematic examination conducted from a support ship with a TV monitor and taping facilities. In this way, "interest areas" could be identified and detailed stereo photography conducted of smaller areas. He said that any decision to conduct an interior examination of the rig may be made at a later date.

There was considerable discussion about whether or not a representative of the bereaved families should be involved in the development and monitoring of a diving plan, and it was felt that it would be extremely difficult to select a suitable representative. However, there was general agreement that a mechanism must be developed so that the families could be kept properly informed, but it was felt that they should not be included on the Diving Consultative Committee at this time.

It was agreed that the Diving Consultative Committee be set up under the direction of the Commission, and that its members should include the Provincial Government, the Federal Government, Mobil, ODECO, Mitsubishi, the United States Coast Guard, the American Bureau of Shipping, and, if appropriate, the Insurer of the rig. The Commission would require a diving

manager to organize and supervise the operation. This manager may be an employee of a diving contractor, but would be under the direct orders of the Commission. In addition, a technical representative of the Commission should on site during diving to provide ad hoc interpretation of the survey results and recommend changes in the program and its emphasis. Dr. Corlett pointed out that the ideal support vessel would be a dynamically positioned vessel capable of adjusting to small changes in location and that since Mobil has such a vessel, it may be possible for the Commission to charter this as a base for its operation. Dr. Corlett emphasized that the Commission should have a technical advisor on board the vessel, which advisor would report daily to the Commission for endorsement and approval or modification as required of the activities of the diving company.

Dr. Corlett felt that the projected date for commencement of a dive by May 15th, was perhaps ambitious but that for the present, the suggested schedule should be adhered to as closely as possible. He said that it was important that any photography of the rig should be of such technical capability as to permit use of a measurement index, and that it must be determined

whether or not the existing position of the rig is dynamic or transient. The Commission should consider having a marker placed to indicate any current movement of the rig, and that if there were any movement, the rig should be anchored away from the wellhead.

It was also pointed out that Mobil was planning to secure the well around mid-June.

Dr. Corlett pointed out that the location of the debris on the Mobil plan is probably inexact, and that given the size of the area, it may be impractical to obtain an accurate survey by use of a diver. Mr. Pardy felt that it may require another side-scan sonar survey to accurately pinpoint the location of the debris.

Mr. Pardy pointed out that any divers selected for this job should have the capability of providing accurate and concise evidence in future public hearings of the Commission.

There was considerable discussion on the selection of the companies who should be invited to submit proposals, and it was agreed that the company finally selected should ideally be Canadian, and that there should be no possibility of any conflict of interest.

The Commission approved the outline for the diving plan as presented by Mr. Pardy and Mr. Furst with the proviso that Hydrospace Marine Services be asked to outline its previous

involvement with the Ocean Ranger, and that this could perhaps be done by including such a request in any proposal for the work to be done.

Terms of Reference - Dr. Ewan Corlett

Mr. Martin tabled proposed terms of reference for Dr. Corlett's appointment as Technical Advisor to the Commission; these were approved, with the added proviso that Dr. Corlett would have authority to provide a "junior" to the Commission when he felt it necessary. This was also agreed, and the wording of this further authority is to be worked out with Dr. Corlett and Mr. Martin.

Rental of Space

The Chairman and Mr. Orsborn brought the Commissioners up-to-date with the various areas which Commission Counsel and the Chairman had inspected todate, and Mr. Martin and Mr. Orsborn were authorized and instructed to proceed on an urgent basis to obtain both permanent and temporary space.

Appointment of Staff

Mr. Orsborn was instructed to advertise in the St. John's

newspapers for the position of Executive Secretary to the Commission.

Next Meeting

The next meeting of the Commission will be on Wednesday, March 31st, 1982 at 9:00 A.M.

Adjournment

There being no further business the meeting adjourned.

ROYAL COMMISSION ON THE OCEAN RANGER MARINE DISASTER

Minute of Meeting of March 18, 1982

On motion duly made and seconded it was unanimously resolved that the Chairman of the Commission be and he is hereby authorized on behalf of the Commissioners to:

- (a) prescribe and adopt such practices and procedures for all purposes of the inquiry as he may from time to time deem expedient for the proper conduct of the inquiry and to vary those practices and procedures from time to time;
- (b) issue any notice, summons or other document to be issued in the course of the inquiry;
- (c) rule on the admissibility or relevance of any evidence tendered to the Commission;
- (d) determine, subject to sections 12 and 13 of The Inquiries Act, the persons, or their counsel, who may examine witnesses called by Commission Counsel on behalf of the Commission;
- (e) determine the extent to which and the terms on which persons who have an interest in the inquiry may participate in the proceedings through counsel or otherwise;
- (f) determine the times and places at which the Commission shall sit and the nature of the hearing i.e., organizational, public or in camera.
- (g) engage the services of counsel to aid and assist the Commissioners in the inquiry;
- (h) authorize the renting of space for offices and hearing rooms;
- (i) engage the services of such accountants, engineers, technical advisors or other experts, clerks, reporters and assistants as he may deem necessary or advisable;
- (j) authorize a Commissioner or Commissioners on behalf of the Commission to undertake specific areas of inquiry and to report to the Commissioners on their findings with their advice and recommendations;
- (k) act on behalf of the Commissioners under subsections (2) to (4) of Section 11 of The Inquiries Act;
- (l) act as or to appoint a qualified person to act as spokesman for the Commissioners in dealing with the public and the news media.

ROYAL COMMISSION ON THE "OCEAN RANGER" MARINE DISASTER

AGENDA

March 31, 1982, 9:00 A.M. Meeting

1. Minutes of Meeting of March 25th, 1982.
2. Role of Commissioners and of Commission Counsel.
3. Matters arising from Minutes.
4. Commissioners Travelling Allowance.

ROYAL COMMISSION OF INQUIRY
ON THE "OCEAN RANGER" MARINE DISASTER

Minutes of Meeting of Commissioners

Thursday March 18, 1982

PRESENT:

Chief Justice T. Alex Hickman

Commissioners: Fintan J. Aylward (for part of
meeting)
Jan Furst
Moses Morgan
Bruce Pardy

Counsel: Leonard A. Martin
David B. Orsborn

Name of Commission

The Commissioners agreed that the formal name of the Inquiry should be Royal Commission on the "Ocean Ranger" Marine Disaster.

Review of Terms of Reference

The draft terms of reference were reviewed as was the present status of the federal and provincial Orders-in-Council. With respect to the administrative functioning of the Inquiry and the role of the Chairman, some concern was expressed over the need to provide a single line of authority, and Mr. Morgan suggested, which suggestion was agreed to by the other Commissioners, that an omnibus resolution

be prepared for submission to the Commissioners to give as much flexibility as possible to the Chairman and appropriate staff, with particular emphasis on the development and maintenance of the Commission's practices and procedures.

There was some discussion about the finance and budgeting procedures to be followed and there was general agreement about the desirability of dealing only with one authority, and that that authority should be the Federal Government.

Review of Other Inquiries

Mr. Martin brought the Commission up-to-date on the activities of the other inquiries being conducted including those of the United States Coast Guard, Marine Casualty Investigation (Preliminary Inquiry), Marine Casualty Investigation (Captain Oliphant), United States Congressional Inquiry, R.C.M.P. Inquiry, and Joint Informal Inquiry. He indicated that the R.C.M.P. was acting at the instance of the Newfoundland Government through the auspices of the Petroleum Directorate and the Emergency Measures Organization, and that evidence was being held under lock and key for the Emergency Measures Organization. The Commission has made contact with Mr. Ron Richards who is the Crown Attorney acting for the R.C.M.P., and we will be requesting a list of the inventory which is presently in the hands of the R.C.M.P. The Commission has also been advised that the Police Department will do a report for the Petroleum Directorate, and that a copy of this will be made available to the Commission.

Preservation of Evidence

At this point Mr. Michael Butler, Dr. Jan Merta, Dr. Walter Bobbi and Ms. Barbara Fowler joined the meeting.

There followed a discussion on the proposed diving and testing plan and the participation of interested parties in developing such a plan, including Mobil, ODECO, and the U.S. Coast Guard.

Dr. Merta advised the Commission that there had been no diving to date, and that all which had taken place was remote observation and filming. It was generally agreed that more detailed information was desired before a formal diving plan could be generated, and Mr. Butler presented a brief outline developed by Dr. Merta indicating in particular the type of evidence which should be looked for during any dive.

The meeting also reviewed the Canadian Diving Companies available to do the necessary sophisticated diving and it was felt that the Commission should be careful to ensure that if at all possible, an independent Diving Company be obtained.

The Commission agreed that further discussions with Dr. Corlett would be necessary prior to the development of any diving plan, and that detailed examination of the drawings of the rig would be necessary.

Mr. Morgan pointed out that although Dr. Corlett is an expert in this area, the Commission would be well advised to obtain parallel advice so that it was not placed in the position of relying too heavily on the advice of one person in this critical area.

It was agreed that Mr. Pardy would co-ordinate the initial opinions and data on the development of a diving plan, and that he would be assisted in this by Mr. Furst.

Preservation of Evidence

Chief Justice Hickman outlined the necessity for the Commissions taking steps to ensure that critical underwater evidence was not tampered with and that documents and other physical evidence now in Canada not be removed from the Commission's jurisdiction. The Commission considered the proposed draft Order under the Federal Inquiries Act, and agreed that the Order should be made by the Commission and be signed on behalf of the Commission by the Chairman.

Ownership of Wreck

Mr. Martin indicated that he would meet with representatives of ODECO to ascertain the position of the ownership of the rig as between ODECO and the Insurers, and the Commission agreed that the necessary authority be given to issue subpoenas for the attendance of any necessary witnesses.

Retention of Dr. E. C. B. Corlett

Chief Justice Hickman and Mr. Martin reviewed earlier discussions held with Dr. Corlett regarding the availability of his services as naval architect and consultant to the Commission, and it was unanimously agreed that Dr. Corlett be retained as a consultant to the Commission, and that the financial arrangements as between Dr. Corlett and the Commission should be negotiated between Mr. Peter Troop and the Federal Treasury Board. Mr. Morgan indicated that for the record, Dr. Corlett should be requested to provide the Commission with a copy of his curriculum vitae.

Subpoenas and Evidence

Mr. Martin reviewed the procedures for obtaining evidence from the various parties involved and indicated that his intention was to obtain an inventory of available documents and assets from each of the parties at this stage, from which lists he would request the information considered relevant. This procedure was agreed to by the Commission.

Publicity

There was some discussions on the manner in which the Commission should handle the various Press and Media requests now being received, and was generally agreed that the next meeting of the Commission

should not be a public meeting, but that information should be made available to the Press and Media on the outcome of any meetings. Mr. Pardy pointed out that there was no requirement for information to be given to the public at other than the formal public hearings of the Inquiry. Mr. Orsborn was instructed to draft for the approval of the Chairman a Press Release covering the activities and decisions of the Commission taken at this meeting.

Staffing and Facilities

Mr. Orsborn reviewed the present status of discussions with the Federal Government regarding the hiring of staff and the obtaining of facilities, and it was agreed that any person hired by the Commission should have a probationary period from 3 to 6 months.

It was agreed by all Commissioners that the appointments of Leonard Martin and David B. Orsborn as Counsel to the Commission be ratified and confirmed.

Captain R. Oliphant

Mr. Martin advised the Commission that Captain Oliphant had been assigned to assist the Commission by the Marine Casualty Investigation section of Coast Guard, and is available to the Commission for the obtaining and review of such evidence as the Commission sees fit. It was agreed by all Commissioners that the utilization of Captain Oliphant be left as Mr. Martin in his discretion should see fit.

Other Business

There was some discussion about the time commitments that would be required of the Commissioners and was agreed that it was apparent that a full time commitment would be required if the Commission were to function properly. It was also pointed out that given the complexity and scope of the terms of reference, it would perhaps be a mistake to rush into various areas of inquiry before these were properly considered and planned.

Next Meeting

It was agreed that Dr. Corlett would be available for meetings with the Commissioners on Thursday March 25th, and that the next formal meeting of the Commission would be held on Thursday March 25th at 2:00 p.m.

MATTERS FOR CONSIDERATION BY COMMISSIONERS
MEETING OF THURSDAY, MARCH 18

1. The name of the Commission:

Royal Commission on the "Ocean Ranger" Marine Disaster.

agreed 18 March

2. Review terms of Reference and present status of appointments.

3. Review other Inquiries

- (i) United States Coast Guard;
- (ii) Marine Casualty Investigation - Preliminary Inquiry;
- (iii) Marine Casualty Investigation - Captain Oliphant;
- (iv) United States Congressional Inquiry;
- (v) RCMP - Petroleum Directorate?
- (vi) Joint Informal Inquiry - Mobil; ODECO; Petroleum Directorate; United States Coast Guard; Energy Mines and Resources (?)

4. Review of Meetings held in Ottawa during week of March 8th.

5. Preservation of Evidence

- (i) the order preserving the evidence
 - who signs
 - to whom directed - Mobil, ODECO and Insurers (USCG and External Affairs be advised)
- (ii) Corlette's diving plan.

(iii) Jan Meurtes's advice re diving firms to contact for proposals.

(iv) Involvement of Mobil, ODECO, USCG and Marine Casualty Investigation in reaching an agreed diving plan, their requirements and contribution to costs.

(v) Access to evidence in custody of RCMP.

4. Ownership of Wreck

(i) ODECO v. Insurers

(ii) Martin to confirm

(iii) Suggest sworn evidence to be given March 25, 1982, hearing.

5. Appointment of Dr. E. C. B. Corlette as consultant to the Commission.

6. Subpoenas (duces tecum returnable March 25, 1982) to Mobil and ODECO (i.e., Chief Officers in the province) requesting production of all relevant documents relating to the Ocean Ranger, i.e.,:

logs of rigs and service ships;

operating manuals;

operating contracts with Ocean Ranger and other rigs;

plans and specifications;

certificates of seaworthiness;

inspection certificates and reports;

log of repairs ordered and accounts for same indicating

compliance;

all written directions, correspondence, standard operating procedures, job positions indicating the chain of command in drilling position, at survival draft and under way;

list of operating positions of the lost crew and their job functions;

names and former places of residence of the lost crew and operating positions held on the Ocean Ranger at the time of her loss;

names, addresses and operating positions of the second crew;

all records, reports, correspondence or other material relating or appertaining in any way to the report of February list of the Ocean Ranger;

all records, reports, correspondence or other material relating or appertaining in any way to the loss of the Ocean Ranger on or about the 15th day of February A.D. 1982;

videotapes of the wreck;

7. Meeting of March 25, 1982:

(i) place of meeting;

(ii) public or in camera;

(iii) terms of appointment to be settled with Dr. Corlette;

(iv) take evidence:

(i) documentary - subpoenas;

(ii) viva voce - ownership;

(v) Corlette to advise on:

(i) diving plan - costs - participation of others

and selection of diving firm;

- (ii) side screen scan;
- (iii) videotapes (1/2 hour edited version);
- (iv) testing laboratory and tests by agreement of all parties;

(f) temporary storage of evidence.

(g) rules of procedure

- investigatory
- advisory.

8. Meeting with Corlette

- arrive St. John's p.m. ^{Mar}September 24th.
- depart St. John's p.m. ^{Mar}September 26th.

Suggest commissioners have meeting with him prior or subsequent to formal meeting of March 25, 1982, to outline Commission's requirements.

9. Settle on letterhead and business cards.

10. Transcript of evidence of Congressional inquiry - requested

- also copies of treaties to be requested from External Affairs.

11. Press and Media relations.

12. Appointment and selection of staff - D.O. to report;

- executive secretary
- administrative secretary
- chairman's personal secretary
- librarian (information centre).

Friday March 12, 1982

PRESENT:

Michael Butler - Treasury Board - seconded to Department of Energy Mines and Resources for inquiry

Rand Quail - Commissioner - Canadian Coast Guard

Captain Brian Thorne - Superintendent of Marine Investigations - Transport Canada - Coast Guard

Peter Troop - Assistant Deputy Attorney-General (Admiralty and Maritime Law) - Department of Justice

James Wall - Department of External Affairs

Jim Hornsby - Director of Ship Safety - Transport Canada

Alfred Popp - IMCO/Admiralty Counsel - Department of Justice

Frank Brodie - Senior Counsel - Energy Mines and Resources

Leonard Martin -

David B. Orsborn

This meeting was for the purpose of preparing a draft order for preservation of the evidence and confining access to the rig.

Prior to commencing drafting of the order, Mr. Hornsby advised the meeting that he had spoken to the Director-General of the Norwegian Maritime Directorate, and had asked for a list of aspects in which the Dyvi Delta differed from the Ocean Ranger and the reasons for any such differences. He had also asked for details of any arrangements made by the Norwegian Directorate for salvaging the Kielland rig, and had learned that it had been towed to a fjord by oil company tugs and that it would be turned over to the salvors only when the final examina-

tion were completed. He indicated that the rig would be probably be towed out and sunk.

Mr. Hornsby also confirmed that a visit to the Dyvi Delta could be arranged and that the Norwegian Directorate will provide us with the results of the Kielland recommendations and that time frame for implementation of these recommendations.

Mr. Martin requested that in the initial collection of documentation from the various departments involved, an inventory of documents be provided by each department and each company involved rather than the departments and companies simply inundating the inquiry with a mass of unorganized documents.

The draft order eventually agreed to by those present read as follows:

IN THE MATTER OF THE INQUIRY INTO THE LOSS OF THE
"OCEAN RANGER" ON OR ABOUT THE 15TH DAY OF FEBRUARY,
1982, ON THE CONTINENTAL SHELF OFF NEWFOUNDLAND AND
LABRADOR

WHEREAS the Governor in Council has been pleased pursuant to Section 2 of the Inquiries Act to cause an Inquiry to be made into the loss of all members of the crew of the semi-submersible self-propelled rig "OCEAN RANGER" and of the "OCEAN RANGER" on or about the 15th day of February, 1982, on the Continental Shelf off Newfoundland and Labrador.

NOW, therefore, pursuant to the authority vested in the Commissioners it is hereby ordered and declared

1. No person shall remove, touch or otherwise disturb in any manner or cause or permit to be removed, touched or disturbed the said "OCEAN RANGER" or any of its gear or equipment at Latitude 46° 43' 34" N, Longitude 48° 50' 11" W.

2. No person or vessel shall approach or cause or permit an approach to be made closer then one half nautical mile from the location of the said "OCEAN RANGER" or any of its gear or equipment at Latitude 46° 43' 34" N, Longitude 48° 50' 11" W for any purpose except upon such terms and conditions as may be prescribed by the Commissioners.

Thursday March 11, 1982

Mr. Martin viewed segments of the videotapes of the underwater inspection.

Dr. Corlett was also present at this viewing and in addition to viewing the videotapes, reviewed and obtained copies of a number of plans of the rig, together with an underwater sketch of the present location of the rig and debris.

Mr. Butler provided us with a copy of a telex sent to Mobil by Leo Brandon indicating the conditions required prior to the two rigs now in Marystown setting out to sea. These conditions included a requirement that the Captain, a Master Mariner is to be in command of the vessel at all times while at sea including times when the vessel is anchored and at a drilling station. In addition rigs must be equipped with a 100% lifeboat capacity on each of two separate sides of the rig, and survival suits must be available for 100% of the crew prior to leaving Marystown, with an increase to 200% within 60 days. Further, evidence would be necessary that the rig can be ballasted and trimmed under emergency power only, and that the crew have sufficient damage control training to be able to open or close valves manually on the vessel under emergency conditions.

Thursday March 11, 1982

PRESENT:

Chief Justice T. Alex Hickman

Dr. Ewan Corlett - Consultant

Rand Quail - Commissioner - Canadian Coast Guard

Jim Hornsby - Director of Ship Safety - Transport Canada

Lorne Humphries - Transport Canada - St. John's

Michael Taschereau - Administrator - Canada Oil and Gas Lands Administration

Captain Brian Thorne - Superintendent of Marine Investigations - Transport Canada - Coast Guard

Len LeGault - Legal Advisor - Department of External Affairs

James Wall - Department of External Affairs

Michael Butler - Treasury Board - seconded to Department of Energy Mines and Resources for inquiry

Peter Troop - Assistant Deputy Attorney-General (Admiralty and Maritime Law) - Department of Justice

Arthur Cullen - Associate Deputy Minister - Energy Mines and Resources

Frank Brodie - Senior Counsel - Energy Mines and Resources

Alfred Popp - IMCO/Admiralty Counsel - Department of Justice

Leonard Martin

David B. Orsborn

The meeting commenced with an introduction by Rand Quail and proceeded into a general discussion of the terms of reference. It was pointed out that everything had been agreed between the federal and provincial governments with the exception of the

clause relating to the distribution of authority of the commissioners. It was agreed that the only relevant items for the purpose of this meeting were items number 1 and 2 relating to the substantive authority of the commission.

Chief Justice Hickman pointed out that paragraph 1(b) may pose some difficulties with the US Inquiry in that the Ocean Ranger had been inspected and certified by the US Coast Guard. He indicated that up to now there had been full cooperation between the United States and Canadian Coast Guard inquiries and that he was most anxious that this cooperation continued.

Captain Thorne reviewed the preliminary inquiry now taking place under The Canada Shipping Act which was being conducted by two officers of the Coast Guard. He indicated that this should be completed insofar as sworn testimony goes within two to three weeks, but that he did not anticipate that a full preliminary inquiry would be completed because of the public inquiry to take place. He indicated that Coast Guard officers had taken evidence from the relief crew of the Ranger and had approximately a further thirty individuals to interview. A further discussion followed regarding the availability of the transcripts of the sworn testimony of this preliminary inquiry, and Commissioner Quail indicated that all documentary evidence would be made available and that the sworn testimony would be available for notes to be made from, but they would not propose that this be used as evidence with which to impeach or contradict a witness at a later date.

Mr. LeGault pointed out the concerns of the Department of External Affairs with respect to the wide terms of reference of the inquiry and that care should be taken in how the terms of reference are to be carried out so that any conflict with US authorities may be avoided if at all possible.

Captain Thorne indicated that the preliminary inquiry under The Canada Shipping Act is directed at the cause of the ^{accident} and that the US Coast Guard is conducting an informal fact finding inquiry which is preliminary to its own public inquiry. Captain Thorne advised that Energy Mines and Resources and The Newfoundland Petroleum Directorate are sitting in on this informal inquiry of the US Coast Guard. The US Coast Guard has convened a five man board, the highest public inquiry it can convene to hold the formal public hearings.

Mr. Cullen indicated a concern about the exchange of data between the United States and Canada and pointed out that there may be some parts of the Canadian information that reflect exclusively Canadian concerns and that are not part of the US Coast Guard inquiry and that in any exchange of information consideration should be given to deleting such information.

With respect to paragraph 1(c), Dr. Corlett indicated that the sufficiency of lifesaving equipment would go primarily to technical adequacy rather than simply numerical adequacy, and Mr. Hornsby indicated that safety equipment should be construed in a larger sense and should include the support vessels available for the drilling rigs.

No questions were raised on paragraphs 1(d) and 1(e).

With respect to paragraph 1(f) concerning search and rescue response, Chief Justice Hickman inquired whether or not there were available other reports concerning the capability of search and rescue in Newfoundland, and was told that there had been a recent study on cross-evaluation of these facilities, conducted, we understand, by Transport Canada.

No concern was voiced regarding paragraph 1(g).

Mr. LeGault indicated that "governmental authority" had been omitted from paragraph 1(h), but it was felt that this could readily be included in paragraph 1(i).

With respect to any aspect of the inquiry which may be conducted outside Canada, the representatives of External Affairs requested that we consult with that Department prior to any activity being taken outside the country so that all necessary diplomatic formalities may be observed.

There followed a general discussion on the control of the wreck, the examination of the wreck and the securing and preservation of evidence. Commissioner Quail felt that someone other than the owners should now assume control of the examination of the wreck, and that the owners should be advised very quickly of the position to be taken by the inquiry. It was suggested that an independent examination be conducted, such examination to be planned before hand and agreed to hopefully by the owners, with a report of the examination coming back to the inquiry. Mr. Troop confirmed that such steps as were necessary to preserve and inspect the evidence should indeed be taken by the inquiry.

Mr. Taschereau tabled a letter dated February 25th, to the United States Coast Guard from Leo Brandon of COGLA confirming that nothing should be removed from or disturbed at the site. Copies of this letter were sent to Mobil, but it does not appear that any copy went to either ODECO or the Insurer.

Chief Justice Hickman requested information on the current status of the inspection of the rig and was advised that a survey vessel had been conducting a remote examination with videotape capability and had generated approximately eight hours of videotape. This tape is a Mobil tape with the original being kept in St. John's, and copies been provided to the US Coast Guard and Energy Mines and Resources.

Dr. Corlett confirmed that the important portions of the evidence are in particular those which were under water before the rig capsized and that anything now done to recover or float the rig would destroy crucial evidence, and that even a reconnaissance of the rig if not properly conducted could destroy crucial evidence.

It was learned that the RCMP was conducting an inquiry in Newfoundland on behalf of The Petroleum Directorate and the Canadian Coast Guard.

Dr. Corlett reconfirmed that what is now being done and what will be done should be fully recorded and documented and that no physical diving should be done without the permission of the inquiry. He indicated that he was very concerned regarding the vested interest of various diving companies in favour of Mobil, and suggested strongly that the initial inspection should be done by independent divers employed by the inquiry, and that these people should be engineering and oil rig experts who are divers.

It was suggested that steps should be taken by the inquiry to preserve access to the rig and that consideration should be given to developing a diving plan which could be agreed upon by all parties prior to the Commission obtaining diving services. It was hoped that the cost of obtaining such diving services could perhaps be shared between the Commission, the Owners and/or the Insurer.

Dr. Corlett confirmed to that the diving strategy must be carefully planned, and that no hasty decision should be made to raise the rig since doing so would be bound to destroy all the relevant evidence. He pointed out that all openings would have to be closed and all holes patched if the rig were to be raised and that this would obviously destroy the valve settings and could invalidate any metallurgical testing.

It was also suggested and it was a consensus of opinion that any necessary formal approach should be made to ascertain the position of the owners and the Insurers with respect to the rig as to whether or not it had been abandoned by the owners and/or declared a constructive total loss.

Chief Justice Hickman asked Dr. Corlett to prepare a preliminary report by Thursday March 18th, with particular emphasis on a plan for examining the rig and the expertise and diving capacity that would be required.

It was the consensus of opinion that the inquiry as soon as possible should make an order denying any further access to the rig unless prior terms and conditions had been agreed to by the Commission, and that steps be taken to initiate an underwater examination to be conducted on behalf of the commission by independent divers, with possible cooperation from the owners in developing such a plan.

It was pointed out that prior to any such order being made public, the US Coast Guard and the owners should be advised. Chief Justice Hickman agreed that prior to any order being made public he would contact Rear Admiral Bell of the United States Coast Guard and advise him. Dr. Corlett also advised that it might be wise if input were requested from the United States Coast Guard in preparing any plan for the underwater examination of the rig.

Mr. Humphries advised that Mr. Glen Cobb of Lloyds of London had been retained by the Petroleum Directorate, and that he had now been replaced by Mr. John Stubbs a non-exclusive surveyor and navel architect. These individuals are apparently not working on behalf of any classification society but are working directly for the Petroleum Directorate. Dr. Corlett cautioned that the classification societies are not necessary independent since they are all in competition with one another and have their own various interests to protect.

With respect to the testing of material to be taken from the rig, it was confirmed that such testing should be done in Canada if possible, but Dr. Corlett pointed out that it was important that agreement be reached between all the parties regarding the acceptance of a common testing facility. Testing, he indicated is only a matter of technical competence, but interpretation of the results is a different matter. It was agreed that the commission would be responsible for the arranging of all testing at a mutually agreed facility.

With respect to the conduct of the inquiry itself, Commissioner Quail indicated that the federal government would have counsel present to represent the interests of COGLA, EMR, the Coast Guard and the Department of National Defence. There would be an informal group chaired by Mr. Taschereau which would be responsible for co-ordinating any federal government contact with the inquiry insofar as the government departments were to come under scrutiny.

With respect to the relations with any foreign administrations, Commissioner Quail advised the meeting that the United States had been told that Canada wished to have an observer present at the formal US Coast Guard inquiry, and that Mr. Tom Brown of Transport Canada would attend this inquiry. He also indicated that transcripts of this formal inquiry would be made available. Mr. Hornsby indicated that there was one sister ship of the Ocean Ranger presently operating under Norwegian jurisdiction in the North Sea and that the administrations both in Norway and the United Kingdom have been informed of the inquiry and their cooperation requested.

Mr. Hornsby indicated that the Norwegians had surveyed the Dyvi Delta after the Ocean Ranger disaster and had concluded that everything was in order. He indicated that if we wished to visit the Dyvi Delta, this could easily be arranged. He indicated that after the Kielland disaster, Norway had modified the stability requirements of drilling rigs to allow stability even

if one leg of the rig were lost. This standard he indicated does not yet apply to all rigs given the grace period allowed for implementation, and that the correction had not yet been undertaken on the Dyvi Delta.

Dr. Corlett suggested that the inquiry urgently needed to know the details and status of these modified requirements, and Mr. Hornsby indicated that he will obtain up-to-date information from Norway both formally and informally.

Commissioner Quail gave the meeting an update on the inspection of the two rigs now in Marystown and indicated that good cooperation was being received from Mobil, and that conceivably the rigs could go back to sea within a couple of weeks.

Wednesday March 10, 1982

PRESENT:

Chief Justice T. Alex Hickman

Peter Troop - Assistant Deputy Attorney-General
(Admiralty and Maritime Law) - Department of Justice

Harry Wilson - Consultant to Privy Council Office

Michael Butler - Treasury Board - seconded to Department of Energy Mines and Resources for inquiry

Leonard Martin

David B. Orsborn

The meeting opened with some discussion regarding the federal "parent" department and whether or not it would be the Privy Council Office or the Department of Energy, Mines and Resources. Mr. Wilson and Mr. Butler pointed out that the inquiry will be treated like a small government department and to that Chief Justice Hickman, as Chairman, will be regarded as a "Deputy Head". The consensus of opinion was that the inquiry would end up under the Privy Council Office given that the Department of Energy, Mines and Resources will be subject to scrutiny during the inquiry.

Federal Treasury Board will require specific approval of senior staff and experts and to the like, but secretarial and other staff may be hired within the inquiry's budget at the prevailing government salary scales. The commission is a separate employer and does not cover by the Public Service Staff Relations Board, and all leasing must be arranged through Federal Public Works.

It was suggested that the formal name of the commission should be "Royal Commission on the "Ocean Ranger" Marine Disaster".

There is some discussion over the bilingual requirements for the inquiry, and it was suggested that the stationery be bilingual in format and that the final report and any interim reports be printed in both languages.

There followed a general discussion on the administrative set up of the inquiry with particular reference to the roles of the executive-secretary and the administrative officer.

We were asked to complete a budget as soon as possible and Mr. Butler indicated that he would provide assistance in the form of budgets that had been submitted by recent inquiries.

Mr. Butler also suggested that it was important for the inquiry, given the broad terms of reference, to develop a work plan as soon as possible so that the various aspects of the work may be properly organized and scheduled.

Wednesday March 10, 1982

PRESENT:

Chief Justice T. Alex Hickman

Peter Troop - Assistant Deputy Attorney-General
(Admiralty and Maritime Law) - Department of Justice

Michael Phelps - Executive Assistant to the Minister
of Energy Mines and Resources

Leonard Martin

David B. Orsborn

A general discussion was held on the terms of reference and the various discussions now beening carried on between the two levels of government.

Mr. Troop indicated that no arrangements had been formalized with the province regarding funding of the inquiry other than that it had been suggested that the federal government pay at first instance and collect reimbursement from the province.

It was pointed out that to administer the finances of the inquiry in any other fashion would make it all but unworkable.

Tuesday March 9, 1982

PRESENT:

Captain Brian Thorne - Superintendent of Marine
Investigations - Transport Canada - Coast Guard

Leonard Martin

David B. Orsborn

Captain Thorne indicated that the Coast Guard had made a decision to call off the inquiry under The Canada Shipping Act, but that this should be discussed further with Chief Justice Hickman.

He repeatedly voiced a concern regarding the access of the federal-provincial inquiry to the transcripts of evidence taken by Coast Guard investigators in the preliminary inquiry under the Shipping Act, suggesting that if the evidence were made available for purposes other than that for which it was taken, there would be a violation of human rights and that other preliminary investigation work would be hampered. He suggested that they would make it available to the inquiry for use as ground work, and that we could review it and make notes and go directly to the witnesses if this were necessary.

This matter was again raised in a discussion with Captain Thorne prior to leaving Ottawa on Friday, March 12th, at which time Mr. Martin made it clear that if the inquiry wished the transcripts it would simply requisition them or if necessary subpoena them for the use of the inquiry, and no commitment was given that they would not formally be introduced into evidence.

Captain Thorne indicated that Captain Hashem had copies of the logs of the rigs now in Marystown and suggested that the inquiry should take its own steps to obtain copies of the logs. We have since learned that the original logs of these two rigs are now in the hands of the RCMP in Newfoundland and should be readily available to the inquiry.

Captain Hashem has requested the contract between Mobil and ODECO but has not yet obtained this, and has requested but not obtain the operating manuals of the Ocean Ranger.

Captain Oliphant is obtaining copies of all the regulations in effect, and is dealing with the various government agencies involved on behalf of both the US Coast Guard and the preliminary inquiry under The Shipping Act. These documents will be made available to us once they have been collected. We understand that Captain Oliphant is also obtaining copies of the appropriate United States safety standards.

Captain Thorne appeared concerned when we pointed out that the scope of the inquiry did not include the resolution of the jurisdictional issue between Ottawa and Newfoundland, stating that he hoped one of the recommendations of the inquiry would be that the federal government move to assert its jurisdiction in this area out to the 200 mile limit and bring all aspects of the drilling rigs under federal responsibility.

He advised us that the Department of Communications was not happy with the radio communications on the rig, that Department having recently conducted an inspection on behalf of the United States authorities. And comparing the communications on the rig to international standards. He indicated that to his knowledge all communications were done on company frequencies and that this was not totally desirable.



ELIZABETH THE SECOND by the Grace of
God of the United Kingdom, Canada
and Her Other Realms and Territories
QUEEN, Head of the Commonwealth,
Defender of the Faith.

W. Anthony Paddon
Lieutenant-Governor

COMMISSION

TO: The Honourable T. Alexander Hickman, Chief Justice of
The Trial Division of the Supreme Court of Newfoundland
(Chairman),

The Honourable Gordon A. Winter, O.C., LL.D.,
(Vice-Chairman)

Moses O. Morgan, C.C.,

Fintan J. Aylward, Q.C.,

Jan Furst, Esq., and

Bruce Pardy, Esq.

WHEREAS it appears desirable and expedient that an enquiry be
made into the loss of life resulting from the sinking of the
"Ocean Ranger" on February 15th., 1982.

NOW KNOW YE that under and by virtue of The Public Enquiries Act
Chapter 314 of The Revised Statutes of Newfoundland, 1970, We, by and
with the advice of Our Executive Council of Our Province of
Newfoundland, reposing great trust and confidence in your knowledge,
integrity and ability, have constituted and appointed and do by
these presents constitute and appoint you the said

T. Alexander Hickman,

Gordon A. Winter,

Moses O. Morgan,

Fintan J. Aylward,

Jan Furst, and

Bruce Pardy

Daniel C. Pender
Minister of Justice

to be Commissioners to hold an enquiry into the matters following, that is to say:

1. Enquire into and report upon the loss of all members of the crew of the semi-submersible self-propelled drig rig "Ocean Ranger", and of the "Ocean Ranger", on or about the 15th. day of February, 1982, on the Continental Shelf off Newfoundland and Labrador, the reasons and causes therefor and, without restricting the generality of the foregoing, to enquire into, report upon and make recommendations in respect of the following matters:

- (a) the design, construction and stability of the "Ocean Ranger" and its suitability to conduct marine and drilling operations on the Continental Shelf off Newfoundland and Labrador;
- (b) inspection, inspection procedures, licensing, classification and certification pertaining to the conduct of marine drilling operations by the "Ocean Ranger" on the Continental Shelf off Newfoundland and Labrador;
- (c) all aspects of safety of life at sea, including the sufficiency of life saving equipment on board the "Ocean Ranger" and whether such life saving equipment was used or could have been used;
- (d) all aspects of occupational health and safety which related to the officers and crew of the "Ocean Ranger";

- (e) the certification, training and safety of the officers and the crew and their respective responsibilities including those of the Master and the Toolpusher on board the "Ocean Ranger";
 - (f) the search and rescue response and any other emergency response thereto, both from within Newfoundland and elsewhere;
 - (g) oil pollution prevention procedures and whether the drill hole was left in a safe condition prior to or at the time of the casualty;
 - (h) any acts or omissions of the owner, the charterer, the operator or any contractor in respect thereto; and
 - (i) any other related matter.
2. Enquire into, report upon and make recommendations with respect to
- (a) both the marine and drilling aspects of practices and procedures in respect of offshore drilling operations on the Continental Shelf off Newfoundland and Labrador and, without restricting the generality of the foregoing, the matters referred to in paragraphs 1.(a) to 1. (e) as they relate to other drilling units conducting marine and drilling operations on the Continental Shelf off Newfoundland and Labrador; and
 - (b) to the extent necessary and relevant, such practices and procedures in other Eastern Canada offshore drilling operations.

AND WE DO advise that the establishment of this Commission and your appointment as Commissioners hereunder is without prejudice to both the claim of the Government of Canada and the claim of the Government of Newfoundland to legislative jurisdiction and proprietary rights on or in respect of the Territorial Sea or the Continental Shelf off Newfoundland and Labrador;

AND FURTHER, notwithstanding the terms of reference as set forth in this your Commission, We hereby direct you not to consider, comment upon nor make recommendations in respect of the claims to jurisdiction and rights aforesaid;

AND FURTHER, We do authorize

- (i) the Honourable T. Alexander Hickman to be the Chairman of the Enquiry and the Honourable Gordon A. Winter to be Vice-Chairman of the said Enquiry;
- (ii) the Chairman and the Vice-Chairman, after consultation with the other Commissioners, to
 - (A) adopt such practices and procedures for all purposes of the enquiry as may from time to time be necessary for the proper conduct of the enquiry and, may, after consultation with the other Commissioners, vary those practices and procedures from time to time;
 - (B) engage the services of counsel to aid and assist the Commissioners in the enquiry at such rates of remuneration and reimbursement as may be approved by the Lieutenant-Governor in Council;
 - (C) rent such space for offices and hearing rooms as they deem necessary and advisable at such rates as may be approved by the Lieutenant-Governor in Council;
 - (D) engage the services of such accountants, engineers, technical advisors or other experts, clerks, reporters and assistants as they may deem necessary or advisable, at such rates of remuneration and reimbursement as may be approved by the Lieutenant-Governor in Council;
 - (E) exercise all powers conferred upon them by Section 5 of The Public Enquiries Act;
- (iii) you, the said Commissioners, to sit at such time and in such places, and to view such locations, both in and outside Canada, as the Chairman may, after consultation with the other Commissioners, from time to time decide;

(iv) you, the said Commissioners, to submit interim reports to the Lieutenant-Governor in Council from time to time.

AND WE DO, by these Presents, confer upon you, the said Commissioners, the power of summoning before you any witness or witnesses and of requiring all such witnesses to give evidence orally or in writing upon oath or upon solemn affirmation, and to produce such documents and things as you, the said Commissioners, may deem requisite to the full investigation of the matters you are appointed to enquire into.

AND FURTHER, We require you, with as little delay as possible to report to Us your findings upon the matters herein submitted for your consideration together with the papers and records of the Commission.

AND FURTHER, We do authorize the Honourable T. Alexander Hickman to act as a Commissioner and Chairman for the purpose of the said Enquiry, pursuant to Section 37 of The Judges Act.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Newfoundland to be hereunto affixed.

WITNESS: Our trusty and well-beloved
the Honourable W. Anthony Paddon,
Member of Our Order of Canada,
Lieutenant-Governor in and for Our
Province of Newfoundland.

AT OUR GOVERNMENT HOUSE in Our City
of St. John's this 16th day of
March in the year of Our Lord
one thousand nine hundred and eighty-
two and in the thirty-first year of
Our Reign.

BY COMMAND,

Robert C. Penner
Registrar GENERAL



PRIVY COUNCIL

Certified to be a true copy of a Minute of a Meeting of the Committee
of the Privy Council, approved by His Excellency the Governor
General on the 17 March, 1982

WHEREAS the Committee of the Privy Council has had before it a report of the Prime Minister submitting that it is essential that an Inquiry be made into the matters hereinafter set forth in paragraphs 1 to 3 below.

Therefore the Committee of the Privy Council on the recommendation of the Prime Minister advise that the Honourable T. Alexander Hickman, Chief Justice of the Trial Division of the Supreme Court of Newfoundland, the Honourable Gordon A. Winter, Moses Morgan, Esq., Fintan J. Aylward, Queens Counsel, Bruce Pardy, Esq. and Jan Furst, Esq., all of the Province of Newfoundland, be hereby appointed Commissioners under Part I of the Inquiries Act to:

1. Inquire into and report upon the loss of all members of the crew of the semi-submersible self-propelled drill rig "OCEAN RANGER", and of the "OCEAN RANGER", on or about the 15th day of February, 1982 on the Continental Shelf off Newfoundland and Labrador, the reasons and causes therefor and, without restricting the generality of the foregoing, to inquire into, report upon and make recommendations in respect of the following matters:

(a) the design, construction and stability of the "OCEAN RANGER" and its suitability to conduct marine and drilling operations on the Continental Shelf off Newfoundland and Labrador;

(b) inspection, inspection procedures, licensing, classification and certification pertaining to the conduct of marine drilling operations by the "OCEAN RANGER" on the Continental Shelf off Newfoundland and Labrador;

(c) all aspects of safety of life at sea, including the sufficiency of life saving equipment on board the "OCEAN RANGER" and whether such life saving equipment was used or could have been used;

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(d) all aspects of occupational health and safety which related to the officers and crew of the "OCEAN RANGER";

(e) the certification, training and safety of the officers and the crew and their respective responsibilities including those of the Master and the Tool Pusher on board the "OCEAN RANGER";

(f) the search and rescue response and any other emergency response thereto, both from within Newfoundland and elsewhere;

(g) oil pollution prevention procedures and whether the drill hole was left in a safe condition prior to or at the time of the casualty;

(h) any acts or omissions of the owner, the charterer, the operator or any contractor in respect thereto; and

(i) any other related matter.

2. Inquire into, report upon and make recommendations with respect to

(a) both the marine and drilling aspects of practices and procedures in respect of offshore drilling operations on the Continental Shelf off Newfoundland and Labrador and without restricting the generality of the foregoing, the matters referred to in paragraphs 1. (a) to 1. (e) as they relate to other drilling units conducting marine and drilling operations on the Continental Shelf off Newfoundland and Labrador; and

(b) to the extent necessary and relevant, such practices and procedures in other Eastern Canada offshore drilling operations.

The Committee further advise that

(a) the establishment of this Commission and the appointment of the Commissioners hereunder is without prejudice to both the claim of the Government of Canada and the claim of the Government of Newfoundland to legislative jurisdiction and proprietary rights on or in respect of the Territorial Sea or the Continental Shelf off Newfoundland and Labrador; and

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(b) notwithstanding the terms of reference set forth in this Order in Council, the Commissioners be directed not to consider, comment upon nor make recommendations in respect of the claims to jurisdiction and rights aforesaid.

The Committee further advise that

(a) the Honourable T. Alexander Hickman be the Chairman of the Commission and that the Honourable Gordon A. Winter be Vice-Chairman of the Commission;

(b) the Chairman and the Vice-Chairman be authorized, after consultation with the other Commissioners, to

(i) adopt such practices and procedures for all purposes of the Inquiry as may from time to time be necessary for the proper conduct of the Inquiry and, after consultation with the other Commissioners, vary those practices and procedures from time to time;

(ii) engage the services of counsel to aid and assist the Commissioners in the Inquiry at such rates of remuneration and reimbursement as may be approved by the Treasury Board;

(iii) rent such space for offices and hearing rooms in consultation with the Department of Public Works and according to the practices of the Department;

(iv) engage the services of such accountants, engineers, technical advisors or other experts, clerks, reporters and assistants as they may deem necessary or advisable, at such rates of remuneration and reimbursement as may be approved by the Treasury Board; and

(v) exercise all powers conferred upon them by subsection (2) to subsection (4) of section 11 of the Inquiries Act;

3. the Commissioners be authorized to sit at such times and in such places, and to view such locations, both in and outside Canada, as the Chairman may, after consultation with the other Commissioners, from time to time decide; and

- 4 -

4. the Commissioners be authorized to submit interim reports to the Governor in Council from time to time.

The Committee further advise that the Commissioners be directed to submit a final report to the Governor in Council with all reasonable dispatch and file with the Dominion Archivist the papers and records of the Commission as soon as reasonably may be after the conclusion of the Inquiry.

And the Committee further advise that pursuant to section 37 of the Judges Act, the Honourable T. Alexander Hickman be authorized to act as a Commissioner and Chairman for the purpose of the said Inquiry.

CERTIFIED TO BE A TRUE COPY - COPIE CERTIFIÉE CONFORME

P. J. P. P.



Copie certifiée conforme au procès-verbal d'une réunion du Comité du
Conseil privé, approuvé par Son Excellence le Gouverneur général le

CONSEIL PRIVÉ

Vu qu'il fut présenté au Comité du Conseil privé, par le Premier ministre, un rapport soumettant qu'il est essentiel qu'une enquête soit menée sur les matières ci-après décrites dans les paragraphes 1 à 3 qui suivent.

A ces causes, sur avis conforme du Premier ministre, le Comité du Conseil privé recommande que l'honorable T. Alexander Hickman, juge en chef de la Division de première instance de la Cour suprême de Terre-Neuve, l'honorable Gordon A. Winter, Messieurs Moses Morgan, Fintan J. Aylward, Q.C., Bruce Pardy et Jan Furst, tous de la province de Terre-Neuve, soient nommés par les présentes commissaires en vertu de la Partie I de la Loi sur les enquêtes:

1. Fassent enquête et rapport sur la perte de tous les membres de l'équipage de la plate-forme de forage semi-submersible et auto-propulsée "OCEAN RANGER", et de l'"OCEAN RANGER" le 15 février 1982 ou environ, sur le plateau continental au large de Terre-Neuve et du Labrador, les raisons et les causes dudit naufrage et, sans limiter ce qui précède, de mener une enquête, de présenter un rapport et de formuler des recommandations au sujet:

a) de la conception, de la construction et de la stabilité de l'"OCEAN RANGER" et de sa capacité de mener des opérations de navigation et de forage sur le plateau continental au large de Terre-Neuve et du Labrador;

b) de l'inspection, des procédures d'inspection, de la classification et de la délivrance du permis et du certificat de navigabilité de l'"OCEAN RANGER" l'autorisant à mener des opérations de forage sur le plateau continental au large de Terre-Neuve et du Labrador;

c) de tous les aspects de la sécurité de la vie en mer, y compris la qualité et la quantité d'équipement de sauvetage à bord de l'"OCEAN RANGER", et si un tel équipement de sauvetage a été utilisé ou aurait pu l'être;

- 2 -

d) tous les aspects de la santé et sécurité au travail des officiers et des membres de l'équipage de l'"OCEAN RANGER";

e) de l'accréditation, de la formation et de la sécurité des officiers et des membres de l'équipage, et de leurs responsabilités respectives, y compris celles du capitaine et du chef de chantier de forage à bord de l'"OCEAN RANGER";

f) des mesures de recherche et de sauvetage et de toutes autres mesures d'urgence prises depuis Terre-Neuve et ailleurs;

g) des procédures relatives à la prévention de la pollution par le pétrole et de l'état du trou de forage avant ou au moment de l'accident;

h) des actions ou des omissions du propriétaire, de l'affrèteur, de l'exploitant ou de tout entrepreneur à ce sujet; et

i) de toute autre questions connexes;

2. Fassent enquête et rapport et fassent des recommandations sur

a) les pratiques et procédures de navigation et de forage utilisées dans le cadre des opérations de forage sur le plateau continental au large de Terre-Neuve et du Labrador et, sans restreindre la généralité de ce qui précède, d'enquêter, de faire rapport et de faire des recommandations sur toutes questions dont il est fait mention aux paragraphes 1.a) à 1.e) ayant trait à d'autres unités de forage menant des opérations marines et de forage sur le plateau continental au large de Terre-Neuve et du Labrador; et

b) sur les pratiques et procédures, si cela est nécessaire et pertinent, des autres opérations de forage au large de la côte Est du Canada et de faire des recommandations eu égard à celles-ci;

Le Comité recommande en outre que

a) la création de cette Commission et la nomination des Commissaires soit sans préjudice à la fois à la réclamation du gouvernement du Canada et à la réclamation du gouvernement de Terre-Neuve sur la juridiction et la propriété des droits sur ou au sujet de la mer territoriale ou du plateau continental au large de Terre-Neuve et du Labrador; et

b) nonobstant les termes des références énoncées dans ce décret, il soit ordonné aux Commissaires de ne pas considérer, commenter ou faire de recommandations sur les réclamations au sujet de la juridiction et des droits précités;

Le Comité recommande en outre que

a) l'honorable T. Alexander Hickman soit le président de la Commission et que l'honorable Gordon A. Winter en soit le vice-président;

b) le président et le vice-président soient autorisés, après consultation avec les autres commissaires, à

i) prescrire et adopter les pratiques et procédures qu'ils peuvent, de temps à autre, juger nécessaires pour la bonne conduite de l'enquête, et peuvent, après consultation avec les autres commissaires, les modifier de temps à autre;

ii) retenir les services d'avocats-conseils chargés de les seconder au cours de l'enquête, aux taux de rémunération et de remboursement que peut approuver le conseil du Trésor;

iii) louer des bureaux et des salles d'audition en consultation avec le ministère des Travaux publics et suivant ses pratiques;

iv) retenir les services de comptables, d'ingénieurs, de conseillers techniques ou d'autres spécialistes, greffiers, secrétaires juridiques et adjoints qu'ils jugent nécessaires ou souhaitables d'obtenir, aux taux de rémunération et de remboursement que peut approuver le conseil du Trésor; et

v) exercer tous les pouvoirs qui leur sont conférés en vertu des paragraphes (2) à (4) de l'article 11 de la Loi sur les enquêtes.

3. les Commissaires soient autorisés à siéger aux temps et lieux et à voir d'autres lieux, au Canada et à l'extérieur, que le président peut décider de temps à autre, après consultation avec les autres commissaires; et

4. les Commissaires soient autorisés à présenter, de temps à autre, des rapports provisoires au Gouverneur en conseil.

Le Comité recommande en outre que les Commissaires soient tenus de présenter, avec diligence, un rapport final au Gouverneur en conseil et de déposer auprès de l'archiviste du Dominion les papiers et dossiers de la Commission dans un délai raisonnable après la fin de l'enquête.

Et le Comité recommande en outre qu'en vertu de l'article 37 de la Loi sur les juges, l'honorable T. Alexander Hickman soit autorisé à agir à titre de commissaire et de président de ladite enquête.

P. J. P. f. d.

